



# Monterey County

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

## Board Report

Legistar File Number: 17-0897

August 29, 2017

**Introduced:** 8/24/2017

**Version:** 1

**Current Status:** Scheduled AM

**Matter Type:** General Agenda Item

Consider adopting a Resolution to:

- a. Grant permission effective at 6 p.m. September 1, 2017, for the purposes of enforcement of Penal Code sections 602(m) and 647(e) only, and with conditions and subject to compliance with all other laws, for parking of certain vehicles, as defined in the California Vehicle Code, along Lapis Road between the hours of 6 p.m. and 10 a.m. until the earlier of 10 a.m. on November 30, 2017, or the operational date of a Safe Parking program by Monterey County; and
- b. Authorize and direct the Director of the Department of Social Services, with the assistance of the Monterey County Sheriff, the Monterey County Health Department, RMA, and County Counsel, to develop and implement appropriate guidelines and regulations to implement the intent and purposes of the resolution. (ADDED VIA ADDENDA)

### RECOMMENDATION:

It is recommended that the Board of Supervisors consider adopting one resolution: 1) granting permission effective at 6 p.m. September 1, 2017, for the purposes of enforcement of Penal Code sections 602(m) and 647(e) only, and with conditions and subject to compliance with all other laws, for parking of certain vehicles, as defined in the California Vehicle Code, along Lapis Road between the hours of 6 p.m. and 10 a.m. until the earlier of 10 a.m. on November 30, 2017, or the operational date of a Safe Parking program by Monterey County; and 2) authorizing and directing the Director of the Department of Social Services, with the assistance of the Monterey County Sheriff, the Monterey County Health Department, RMA, and County Counsel, to develop and implement appropriate guidelines and regulations to implement the intent and purposes of the resolution.

### SUMMARY/DISCUSSION:

Lapis Road, located in the unincorporated area of Monterey County just north of the City of Marina, and just west of Del Monte Boulevard and east of Highway 1, has experienced increased use as an overnight parking and lodging location by homeless individuals. These individuals will park a variety of vehicles, including motor homes, cars, and trailers, on the shoulder of the road and use these vehicles to sleep and live in. These circumstances have created a variety of health and safety concerns with the condition of the road and the County right-of-way. The County has been attempting to develop a Safe Parking program whereby such individuals could seek to park the vehicles in a secure and safe location, and where appropriate services could be provided to address health and safety issues, but the program is not yet ready to implement.

The Monterey County Sheriff is tasked with enforcement of California law, including PenCode section 602(m) and 647(e), which generally prohibit lodging and trespassing on public or private property without the permission of the owner. In order to avoid violations of these statutes, it is necessary for the County to grant permission to park along Lapis Road for the purpose of lodging overnight. Supervisor Jane Parker has requested that the County implement a temporary program that allows such homeless individuals to lodge overnight on the shoulder of Lapis Road, subject to compliance with all other laws, including proper vehicle registration, no littering or dumping, and not blocking or interfering with the free passage of vehicles along the Road, until the Safe Parking program is operational.

The Director of the Department of Social Services has consulted with Supervisor Parker's Office, the CAO's Office, the Health Department, RMA, the Sheriff's Office, and the County Counsel's Office regarding the matter. The Director is recommending that the Board of Supervisors adopt a resolution that grants permission to individuals to park certain vehicles as defined in California Vehicle Code sections 242 (camp trailers), 324 ("5th wheels") and 415 (motor vehicles) along the shoulder of and within the public right-of-way for Lapis Road between its northerly intersection with Del Monte Boulevard and its southerly intersection also with Del Monte Boulevard, but not including any portion of the private road leading to the Cemex plant, between the hours of 6 p.m. and 10 a.m. so that those individuals will not be subject to citation or arrest for violations of Penal Code sections 602(m) or 647(e). Such permission would be subject to compliance with all other laws, including those requiring valid registration, prohibiting littering and dumping of trash and refuse, and prohibiting the blockage or interference with the free passage of vehicles along Lapis Road. The permission would also be effective only until the earlier of 10 a.m. November 30, 2017, or the operational date of a County Safe Parking program. The Director is also recommending that he be authorized and directed, with the assistance of the Sheriff, RMA, the Health Department, and County Counsel, to develop and implement appropriate guidelines and regulations for the effective implementation of this temporary permissive program. Such guidelines or regulations could include that individuals who lodge along Lapis Road agree to:

1. Register in the Coalition of Homeless Services Provider's Coordinated Assessment and Referral System for entry into homeless programs;
2. Maintain current vehicle registration;
3. Not litter or dump waste except at proper disposal facilities, and to report any illegal dumping;
4. Utilize the Safe Parking program when it becomes available; and
5. Provide working contact information.

Evidence of remaining parked along Lapis Road between 10 a.m. and 6 p.m., and evidence of dumping or littering, or violations of any other laws, would result in revocation of permission for overnight parking on Lapis Road and sleeping in the defined vehicles.

If the resolution is adopted the Department of Social Services will work with the Sheriff's Office, RMA, the Health Department, and the Coalition of Homeless Services Providers to administer the program. A draft resolution is enclosed.

OTHER AGENCY INVOLVEMENT:

County Counsel has been consulted with respect to the proposed program, and has approved the resolution as to form.

FINANCING:

The Department of Social Services, Sheriff's Office, Health Department, and RMA have incurred significant expenses in their respective annual budgets associated with enforcement and monitoring activities along Lapis Road, and will continue to incur such expenses in the current fiscal year. No additional appropriations are currently requested to implement this proposal.

**BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

This proposed program correlates to the Health & Human Services Strategic Initiatives adopted by the Board of Supervisors by working towards the goals of improving health and quality of life outcomes by permitting overnight camping to individuals and families experiencing homelessness.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Approved by: Elliott Robinson, Director-Social Services, x4430

Attachments: Resolution