

**This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to AB 361 and the County of Los Angeles Public Health Officer's Order (revised September 22, 2022). All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.**

**HOW TO VIEW THE MEETING:** No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

**HOW TO PARTICIPATE BEFORE THE MEETING:** Members of the public are encouraged to submit email correspondence to [mlinden@malibucity.org](mailto:mlinden@malibucity.org) before the meeting begins.

**HOW TO PARTICIPATE DURING THE MEETING:** Members of the public may speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Chair and then you must be present in the Zoom conference to be recognized.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

## **Homelessness Task Force** **Regular Meeting Agenda**

**(to be held during COVID-19 emergency)**

**Tuesday, February 21, 2023**

**2:00 P.M.**

**Various Teleconference Locations**

**YOU MAY VIEW THIS MEETING LIVE OVER THE INTERNET AT  
[MALIBUCITY.ORG/VIDEO](https://malibucity.org/video)**

Call to Order

Roll Call

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – February 16, 2023

**1. Ceremonial / Presentations**

- A. Election of Vice Chair

**2. Written and Oral Communications from the Public and Task Force Members**

- A. Communications from the Public concerning matters which are not on the agenda but for which the Task Force has subject matter jurisdiction. The Task Force may not act on these matters at this meeting.
- B. Staff updates.
- C. Task Force Member and Ad Hoc Committee reports, comments, and inquiries.

**3. Consent Calendar**

- A. Previously Discussed Items

None.

- B. New Items

- 1. Approval of Minutes – January 17, 2023

Recommended Action: Approve minutes for the Homelessness Task Force Regular meeting of January 17, 2023.

Staff Contact: Executive Assistant Linden, 456-2489, ext. 232

**4. Old Business**

- A. Public Engagement and Outreach Plan (continued from January 17, 2023)

Recommended Action: 1) Discuss the development of a Public Engagement and Outreach Plan; 2) appoint no more than five Task Force Members to serve on the Public Engagement and Outreach Plan Ad Hoc Committee or dissolve the Committee; and 3) make a recommendation to the City Council on the Public Engagement and Outreach Plan, if appropriate.

Staff Contact: Public Safety Liaison Flores, 456-2489, ext. 236

**5. New Business**

- A. Review of Homelessness Task Force Charter Progress

Recommended Action: 1) Review the progress made on completing the Homelessness Task Force Charter assignments; and 2) Identify next steps.

Staff Contact: Public Safety Director Dueñas, 456-2489, ext. 313

B. Future Agenda Items

Recommended Action: Review items tentatively scheduled for upcoming meeting agendas and provide feedback to staff.

Staff Contact: Public Safety Director Dueñas, 456-2489, ext. 313

Adjournment

Future Meetings

Tuesday, March 21, 2023	2:00 p.m.	Regular Meeting	Location to be determined
Tuesday, April 18, 2023	2:00 p.m.	Regular Meeting	Location to be determined
Tuesday, May 16, 2023	2:00 p.m.	Regular Meeting	Location to be determined

Guide to the City Task Force Proceedings

As a result of the Coronavirus (COVID-19) pandemic, the City is under a state of local emergency, as well as states of emergency that have been declared in the County of Los Angeles, State of California, and a federal emergency declared by the President of the United States. In order to reduce the risk of spreading COVID-19, the Homelessness Task Force meeting will be open and public but conducted virtually because meeting in person would present imminent risks to the health or safety of attendees. This way the public, the staff, and the Task Force will not be physically in the same place.

The Oral Communication portion of the agenda is for members of the public to present items which are not listed on the agenda but are under the subject matter jurisdiction of the Task Force. Although no action may be taken, the Task Force and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to three (3) minutes. Members of the public wishing to speak during the meeting must participate through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Chair and then you must be present in the Zoom conference to be recognized. Please visit <https://MalibuCity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

Items in Consent Calendar Section A have already been considered by the Task Force at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Task Force. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Task Force Members may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Task Force following the action on the Consent Calendar. The Task Force first will take up the items for which public speaker requests have been submitted. Public speakers shall follow the rules as set forth under Oral Communication.

Old Business items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

Items in New Business are items which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

Copies of the staff reports or other written documentation relating to each item of business described above are on file in the Public Safety office, and available upon request by emailing [MLinden@MalibuCity.org](mailto:MLinden@MalibuCity.org).

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Yolanda Bundy, Environmental Sustainability Director, at (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II].

*I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Dated this 16<sup>th</sup> day of February 2023, at 5:15 p.m.*

A handwritten signature in blue ink that reads "Mary Linden". The signature is written in a cursive style and is positioned above a horizontal line.

*Mary Linden, Executive Assistant*



# Homelessness Task Force Agenda Report

To: Chair Roven and Members of the Homelessness Task Force

Prepared by: Mary Linden, Executive Assistant

Approved by: Steve McClary, City Manager

Date prepared: February 8, 2023 Meeting date: February 21, 2023

Subject: Approval of Minutes – January 17, 2023

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**RECOMMENDED ACTION:** Approve minutes for the Homelessness Task Force Regular meeting of January 17, 2023.

**DISCUSSION:** Staff has prepared draft minutes for the Homelessness Task Force January 17, 2023 Regular meeting and hereby submits the minutes to the Task Force for approval.

**ATTACHMENTS:** Draft January 17, 2023 Homelessness Task Force Regular Meeting Minutes

MINUTES  
MALIBU HOMELESSNESS TASK FORCE  
REGULAR MEETING  
JANUARY 17, 2023  
TELECONFERENCED – VARIOUS LOCATIONS  
2:00 P.M.

**The following meeting was held pursuant to AB 361 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.**

CALL TO ORDER

Chair Roven called the meeting to order at 2:03 p.m.

ROLL CALL

The following persons were recorded in attendance via teleconference by the Recording Secretary:

PRESENT: Chair Ian Roven; Vice Chair Bill Winokur; and Task Force Members Wayne Cohen, Terry Davis, Scott Dittrich, Chris Frost, Kelly Pessis, and Bill Sampson

ABSENT: Commissioners Deborah Benton and Joshua Spiegel

ALSO PRESENT: Steve McClary, City Manager; Susan Dueñas, Public Safety Director; Trevor Rusin, Interim City Attorney; Luis Flores, Public Safety Liaison; Captain Jennifer Seetoo, Los Angeles County Sheriff's Department; Parker Davis, Media Technician; and Mary Linden, Executive Assistant

PLEDGE OF ALLEGIANCE

Chair Roven led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Task Force Member Davis moved and Task Force Member Frost seconded a motion to approve the agenda with Item No. 5.A. to be heard at 3:00 p.m. The question was called, and the motion carried 8-0, Task Force Members Benton and Spiegel absent.

REPORT ON POSTING OF AGENDA

Executive Assistant Linden reported that the agenda for the meeting was properly posted on January 10, 2023.

Public Safety Director Dueñas stated item No 5.A. would be heard at 3:00 p.m. and any unfinished items would be heard after that.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation by City of Santa Barbara Community Development Department, Environmental Services Department, and Police Department

Public Safety Liaison Flores introduced Elizabeth Stotts, Homelessness Programs Analyst for the City of Santa Barbara

Ms. Stotts introduced her homeless team colleagues Chris Clark, Environmental Services Specialist, and Sergeant Chris Payne, Santa Barbara Police Department (SBPD) Street Crimes Unit and Homelessness Liaison. Ms. Stotts provided a presentation on the Santa Barbara homelessness program with Mr. Clark discussing the Santa Barbara Encampment Response Programs and Sergeant Payne discussing the SBPD's co-response program.

Chair Roven thanked the presenters and commended them for their programs.

Task Force Member Dittrich stated Santa Barbara's population was approximately nine times the size of Malibu. He asked what the total expenditure was for homeless programs. He asked the homeless count in Santa Barbara in the past several years. He asked how many people had been placed in permanent housing.

Ms. Stotts stated Santa Barbara budgeted \$6 million in Fiscal Year 2021-2022. She stated grants totaled approximately \$1 million per year. She stated the homeless total had fluctuated to 822 most recently from 914 in 2020. She stated approximately 70 percent were unsheltered and 103 were placed in permanent housing in 2022. In response to Task Force Member Dittrich, Ms. Stotts stated there was some tracking after individuals were placed in housing to provide needed support services. She stated funding for support services was a struggle. In response to Task Force Member Dittrich, Ms. Stotts discussed what was provided and funded by the County of Santa Barbara.

In response to Task Force Member Sampson, Sergeant Payne stated there were approximately 120 sworn officers and would be at 140 with full staffing. He discussed the impact of colleges and tourism on the Santa Barbara population.

In response to Task Force Member Cohen, Sergeant Payne stated SBPD was part of the City of Santa Barbara. He stated Santa Barbara County Sheriff's Department provided contract law enforcement for some neighboring communities. In response to Task Force Member Cohen, Sergeant Payne stated SBPD enforced only City's municipal code, not County Code, which included Section 24-5.1. He discussed enforcement of sleeping in vehicles only when beds were available. He stated SBPD started first with outreach, and enforcement was implemented only when a situation became more serious. He discussed housing resources available. In

response to Task Force Member Cohen, Ms. Stotts stated the contract cost with PATH was approximately \$75 per bed per night, including full services.

In response to Task Force Member Dittrich, Ms. Stotts stated approximately 14% of housed individuals returned to the streets, which was down from 22%.

In response to Task Force Member Pessis, Sergeant Payne stated four officers were assigned to his team. He stated approximately nine officers were in the field at any given time, with up to 18 officers on duty during peak days. He stated additional officers and detectives working in the office were also available. Task Force Member Pessis asked what the budget was for policing and how much was dedicated to the homeless operations. Sergeant Payne stated his unit's budget was about \$100,000 per officer per year. Task Force Member Pessis asked if there had been any noticeable differences in the makeup of the homeless population in Santa Barbara. Sergeant Payne stated there was little change. Ms. Stotts discussed their Homeless Management Information System (HMIS) database that documented interactions with the homeless. She stated 70% of those in HMIS had a previous local address in the system. She stated the vehicular homeless count had grown, including families and elderly individuals. She discussed the various reasons why someone might decline services.

Task Force Member Pessis stated a centralized response was valuable. Mr. Clark discussed Santa Barbara's centralized resource management (CRM) system. He discussed systems being considered for the future.

Vice Chair Winokur asked how individuals were transported to and from an alternative sleeping location (ASL). He asked how the \$6 million budget was funded. In response to Vice Chair Winokur, Ms. Stotts stated City Net provided transportation wherever they needed to go. Sergeant Payne stated the police department also provided transportation when possible. In response to Vice Chair Winokur, Ms. Stotts stated homeless services was part of the General Fund budget. She discussed how the various departments communicated with each other. She stated HomeKey funding provided by the State of California was not sufficient based on Santa Barbara housing costs. She discussed upcoming monthly meetings with neighboring cities and the County to collaborate efforts.

Public Safety Director Dueñas stated any further questions could be submitted to Public Safety Liaison Flores who would forward them to the Santa Barbara representatives for answers.

Task Force Member Davis commended the City of Santa Barbara for being a leader in this matter. In response to Task Force Member Davis, Ms. Stotts confirmed their available beds were usually all filled. Task Force Member Davis asked if there was resistance in any neighboring communities to what Santa Barbara offered. Ms.

Stotts stated most resistance was misunderstanding. She stated the City's job was to help people understand the complexities of the problem and what was needed to address the issues.

ITEM 5 NEW BUSINESS

A. Review of Homelessness Task Force Charter

Recommended Action: 1) Review City Council Resolution No. 21-43, which established the Homelessness Task Force; and 2) Receive a report from City staff, the Interim City Attorney, and the Los Angeles County Sheriff's Department (LASD) Lost Hills Station Captain regarding roles and responsibilities.

Public Safety Director Dueñas stated this item was intended to answer questions and concerns expressed at the November 2022 meeting. She discussed the motion made at the October 2022 meeting that was not included in the November agenda.

Captain Seetoo stated an ordinance was presented to the County Counsel. She discussed enforcement of Section 8 housing in Palmdale and Lancaster that cost the County millions of dollars. She stated the strategy would be similar to what was provided in Calabasas.

In response to Captain Seetoo, Public Safety Director Dueñas stated the City was waiting for the contract to be in place for the three interim beds. She confirmed The People Concern (TPC) outreach team would provide transportation. Captain Seetoo stated the Sheriff's Department would not take control of pets or property. She stated when beds were full, LASD could no longer enforce.

In response to Task Force Member Cohen, Captain Seetoo confirmed the no camping ordinance (Ordinance No. 492) (MMC 9.08.090) was being reviewed by County Counsel. In response to Task Force Member Cohen, Captain Seetoo discussed when beds would be offered and enforcement implemented.

In response to Task Force Member Cohen, Public Safety Director Dueñas stated the ordinance included individuals living in vehicles.

Captain Seetoo discussed how it was determined that someone was living in their vehicles.

Task Force Member Cohen stated Santa Barbara defined "sleeping" in its municipal code. He asked about the enforcement procedure for checking on the availability of beds. Captain Seetoo stated LASD would collaborate with City staff and TPC about bed availability. Task Force Member Cohen asked if LASD's first approach would be education.

Captain Seetoo stated LASD would always educate. She stated enforcement would be used if someone who was causing problems refused a bed or services.

Task Force Member Cohen asked what changed to now allow enforcement. He expressed frustration with how long it took.

Interim City Attorney Rusin stated finding beds was the main change. He stated the City always worked to address homelessness through LASD and TPC.

Public Safety Director Dueñas stated enforcement was implemented to remove encampments prior to the camping ordinance update and acquisition of beds using other ordinances. Captain Seetoo discussed progress made in removing encampments and reducing the number of oversized vehicles.

Vice Chair Winokur stated expanding the number of beds would have to be considered by the Task Force and the Council in the future. He discussed long-time oversized vehicles were an indication of permanency. He stated he observed more appearing recently in the Civic Center area and the land side of PCH. He asked what LASD could do to move encampments from public locations.

Captain Seetoo discussed encampments on Surfrider Beach. She stated LASD was working with the Los Angeles County Department of Beaches and Harbors.

Task Force Member Pessis stated there were other issues to discuss not included in the November agenda. She discussed an increase in camping in smaller vehicles. She asked if more citations could be issued. She discussed crimes conducted in vehicles. She requested Santa Barbara codes be reviewed.

Captain Seetoo stated the electronic ticket writers were crucial to increasing citations of illegal parking on PCH. She requested Task Force Members

Task Force Member Pessis requested LASD provide a centralized system. Captain Seetoo stated Lieutenant Carr developed a spreadsheet for tracking where people were.

At 3:43 p.m., Task Force Member Pessis left the meeting.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. STAFF UPDATES

Public Safety Director Dueñas stated volunteers were still needed for next week's homeless count.

ITEM 2.C. TASK FORCE MEMBER COMMENTS

Vice Chair Winokur announced he would be resigning from the Homelessness Task Force effective at the end of this meeting. He thanked everyone for their dedicated time and commended them for the Task Force's accomplishments.

ITEM 3 CONSENT CALENDAR

MOTION Task Force Member Davis moved and Task Force Member Frost seconded a motion to approve the Consent Calendar. The question was called, and the motion carried 7-0, Task Force Members Benton, Pessis, and Spiegel absent.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items  
None.
- B. New Items
  - 1. Approval of Minutes – October 18, 2022  
Recommended Action: Approve minutes for the Homelessness Task Force Regular meeting of October 18, 2022.
  - 2. Approval of Minutes – November 15, 2022  
Recommended Action: Approve minutes for the Homelessness Task Force Regular meeting of November 15, 2022.

ITEM 5A REVIEW OF HOMELESSNESS TASK FORCE CHARTER (continued)

Task Force Member Frost discussed problems with the ticket writers resulting in some citations for multiple offenses not recognizing prior citations issued. He stated enforcement of illegal parking in western Malibu needed to be increased. He asked what had to happen to get some vehicles towed after numerous citations.

Captain Seetoo stated another midnight operation might be helpful.

Task Force Member Frost discussed overnight Volunteers on Patrol (VOP) operations He suggested overnight deputies utilize VOP processes.

In response to an earlier question from Task Force Member Cohen, City Manager McClary discussed changes within the City structure that have helped, including

using LASD's Mental Evaluation Team (MET), adding the Public Safety Liaison position, Council approval of the camping ordinance and acquisition of beds, as well as Las Virgenes-Malibu Council of Governments (COG) actions. He stated the process needed to continue.

Task Force Member Cohen stated it was a complex issue and he appreciated everyone's efforts. He stated the members of the Task Force had worked hard to find common ground.

In response to Task Force Member Dittrich, Public Safety Director Dueñas stated there were four beds available that may or not allow pets. She discussed options for people with pets. Task Force Member Dittrich agreed with Task Force Member Pessis that more people seem to be living in their smaller vehicles and camping along the beach. He stated those in cars were more likely to drive to another location rather than accepting a bed.

ITEM 2C TASK FORCE MEMBER COMMENTS (continued)

Task Force Member Dittrich reported he spoke at the January 9, 2023 City Council meeting to recommend the dissolution of the Homelessness Task Force since the Task Force had accomplished most of its assignments. He stated he believed the Council should provide a clear set of guidelines detailing what it wanted next. He discussed a new program introduced by the Governor to require people with mental health issues to accept services.

ITEM 4 OLD BUSINESS

A. Public Engagement and Outreach Plan (continued from October 18, 2022)

Recommended Action: 1) Discuss the development of a Public Engagement and Outreach Plan; 2) either appoint no more than five Task Force Members to serve on the Public Engagement and Outreach Plan Ad Hoc Committee or dissolve the Committee; and 3) make a recommendation to the City Council on the Public Engagement and Outreach Plan, if appropriate.

MOTION Vice Chair Winokur moved and Task Force Member Davis seconded a motion to continue Item Nos. 4.A., 4.B., and 5.B. to the February meeting. The question was called, and the motion carried 7-0, Task Force Members Benton, Pessis, and Spiegel absent.

MOTION Vice Chair Winokur moved and Task Force Member Dittrich seconded a motion to reopen Item No. 4.B.

Task Force Member Cohen stated much had changed with today's discussion. He stated he was not confident the report was current.

Task Force Member Davis agreed with Task Force Member Cohen.

Vice Chair Winokur withdrew the motion.

B. Fire, Health, and Public Safety Ad Hoc Committee Report

Recommended Action: Determine whether to submit to the City Council the revised Fire, Health, and Public Safety Ad Hoc Committee report presented at the October 18, 2022 Homelessness Task Force Regular meeting.

This item was continued to the February meeting.

Task Force Member Davis expressed concern about presenting the report without the Task Force approving what would go to Council.

In response to Task Force Member Davis, Public Safety Director Dueñas stated she could include the report and the presentation with her Council agenda report.

ITEM 5 NEW BUSINESS (continued)

B. Future Agenda Items

Recommended Action: Review items tentatively scheduled for upcoming meeting agendas and provide feedback to staff.

This item was continued to the February meeting.

ADJOURNMENT

MOTION At 4:24 p.m., Chair Roven adjourned the meeting.

Approved and adopted by the Homelessness Task Force of the City of Malibu on \_\_\_\_\_.

\_\_\_\_\_  
IAN ROVEN, Chair

ATTEST:

\_\_\_\_\_  
MARY LINDEN, Executive Assistant



# Homelessness Task Force Agenda Report

To: Chair Roven and Members of the Homelessness Task Force

Prepared by: Luis Flores, Public Safety Liaison

Reviewed by: Susan Dueñas, Public Safety Director

Approved by: Steve McClary, City Manager

Date prepared: February 7, 2023 Meeting date: February 21, 2023

Subject: Public Engagement and Outreach Plan (continued from January 17, 2023)

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**RECOMMENDED ACTION:** 1) Discuss the development of a Public Engagement and Outreach Plan; 2) appoint no more than five Task Force Members to serve on the Public Engagement and Outreach Plan Ad Hoc Committee or dissolve the Committee; and 3) make a recommendation to the City Council on the Public Engagement and Outreach Plan, if appropriate.

**TASK FORCE ASSIGNMENT:** Develop a robust public engagement and outreach plan to obtain community input.

**DISCUSSION:** At the August 23, 2022 Special Meeting, the Task Force established a Public Engagement and Outreach Plan Ad Hoc Committee. However, appointments to the Committee were continued until the Fire, Health, and Public Safety Ad Hoc Committee could present its report since it was determined that suggestions for engaging the community were expected to be part of that presentation. The report was presented during the October 18, 2022 Regular Meeting, but the Public Engagement and Outreach Plan item was continued to a future meeting to allow for further discussion.

To assist in the discussion and given the staff time needed to fulfill any potential action items within a Public Engagement and Outreach Plan, staff has identified the following items that could be accomplished with existing staff resources:

1. Implement a Public Education campaign that includes information about:
  - a. Who to call regarding safety concerns related to people experiencing homelessness
  - b. How to report a homeless encampment
  - c. How homeless encampments are handled on public and private property
  - d. Existing efforts and successes in assisting people experiencing homelessness
  - e. Current challenges in homeless outreach and transitioning people to shelter
  - f. What law enforcement can and cannot do
2. Create opportunities for volunteering that are educational and contribute towards existing outreach efforts and service provision.
3. Supply resource materials to businesses as to how to properly assist people experiencing homelessness within or around their property.
4. Modify the City's website to make the page on homelessness more accessible and easier to navigate for those looking for resources and information.
5. Conduct direct outreach in front of local markets or highly transited areas alongside a Task Force member and/or a Sheriff's Department Deputy to inform the community of existing efforts to address homelessness and educate on how to assist people experiencing homelessness in the area.
6. Host a community symposium on homelessness with a panel that includes representatives from law enforcement, The People Concern, the City and the County.

Staff recommends that the Task Force discuss and consider the items that could be accomplished with existing staff resources and either dissolve the Ad Hoc Committee or appoint members to the Ad Hoc Committee that could participate in and provide input to staff on the public education and outreach plan to be presented to the City Council for approval and implementation.

ATTACHMENTS: None.



# Homelessness Task Force Agenda Report

To: Chair Roven and Members of the Homelessness Task Force

Prepared by: Susan Dueñas, Public Safety Director

Approved by: Steve McClary, City Manager

Date prepared: February 6, 2023 Meeting date: February 21, 2023

Subject: Review of Homelessness Task Force Charter Progress

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**RECOMMENDED ACTION:** 1) Review the progress made on completing the Homelessness Task Force Charter assignments; and 2) Identify next steps.

**DISCUSSION:** During its Special meeting on July 21, 2021 to discuss issues related to homelessness in Malibu, the City Council adopted Resolution No. 21-43 (Attachment 1) forming the Homelessness Task Force (Task Force) and establishing its Charter. Since August 2021, the Task Force has met monthly and has taken the following actions toward completing the six assignments that comprise the Charter:

## **□ Review the Homelessness Strategic Plan goals and objectives**

- March 15, 2022 – Members of the Strategic Plan Review Ad Hoc Committee presented draft revisions to the Strategic Plan Goals and Objectives. The Task Force provided input and edits and moved to continue the discussion to a future meeting for final approval.
- April 19, 2022 – The Task Force Strategic Plan Review Ad Hoc Committee presented the revised Homelessness Strategic Plan Goals and Objectives. The Task Force voted in favor of submitting it to the City Council. The motion carried 6-0-1, Task Force Member Dittrich abstaining, and Vice Chair Winokur, Task Force Member Benton, and Task Force Member Sampson absent.
- This item has not been presented to the City Council.

**□ Review the concept, need and possible implementation of an Alternative Sleeping Location (ASL)**

- February 1, 2022 – The ASL and Temporary Services Ad Hoc Committee presented a proposed ASL Recommended Action Plan. The Task Force voted in favor of approving the Plan, with amendments, for submittal to the City Council. The question was called, and the motion carried 9-1, Task Force Member Sampson dissenting.
- April 19, 2022 – In response to a recommendation by the City Council to pursue an ASL outside of the City without using City funds, the Task Force voted in favor of providing a recommendation to the City Council to direct staff to pursue the option of securing beds at existing homeless facilities with the use of City funds. The question was called, and the motion carried 6-0, Vice Chair Winokur and Task Force Member Benton, Task Force Member Cohen, and Task Force Member Sampson absent.

**□ Develop a plan to mitigate public safety and environmental impacts, particularly fires related to homeless encampments**

- November 16, 2021 – The Task Force received a report from the Fire, Health, and Public Safety Ad Hoc Committee that outlined the current enforcement of existing municipal codes, implementation of standardized reports, and the use of coordinated, multi-disciplinary/multi-agency actions for the reduction of incidents of arson, encampment fires, environmental degradation, and crime that can be attributed to the City's homeless/unhoused population. By consensus, the Task Force continued the item to a future meeting.
- May 17, 2022 – The Task Force received a revised report from the Fire, Health, and Public Safety Ad Hoc Committee. No action was taken.
- September 20, 2022 – The Task Force Regular Meeting agenda included a report from the Fire, Health, and Public Safety Ad Hoc Committee. This item was continued upon approval of the agenda.
- October 18, 2022 – The Task Force received a report from the Fire, Health, and Public Safety Ad Hoc Committee. The Task Force voted to recommend to the City Council that it: 1) In advance of the fire season, request that the Sheriff's Department enforce any and all laws on the books, including but not limited to Malibu Municipal Code (MMC) Section 9.08.090, Camping, lodging, sleeping overnight on public property, MMC Section 10.19.020, Overnight parking, and MMC Section 10.18,

Oversize vehicles, and utilize the crime suppression car for this purpose; and 2) allocate funds to secure emergency beds for the homeless.

- January 17, 2023 – The Task Force Regular Meeting agenda included an item asking whether it wanted to submit to the City Council the revised Fire, Health, and Public Safety Ad Hoc Committee report presented at the October 18, 2022 Homelessness Task Force Regular meeting. The item was continued to the February 21, 2023 meeting for discussion.

**☐ Explore new ideas to address homelessness, research strategies used by other jurisdictions, and identify best practices that could be implemented in Malibu**

- On December 9, 2021, members of the Task Force visited the Wilmington tiny home village
- On January 13, 2021, members of the Task Force visited the City of Redondo Beach tiny home village
- On January 20, 2022, members of the Task Force visited the City of Baldwin Park tiny home village
- On January 17, 2023, representatives from the City of Santa Barbara provided information about what their City has done to address homelessness

**☐ Develop a robust public engagement and outreach plan to obtain community input on proposed strategies to protect the health, safety and welfare of the community from the dangers of homelessness and provide assistance to Malibu residents experiencing homelessness**

- June 21, 2022 – The Task Force Regular Meeting agenda included an item to discuss the development of a Public Engagement and Outreach Plan. The Task Force voted to table this item until the Fire, Health, and Public Safety Ad Hoc Committee made its presentation in July 2022. (The Fire, Health, and Public Safety Ad Hoc Committee did not make a presentation in July.)
- August 23, 2022 – At a Special Meeting of the Task Force, the Task Force established a Public Engagement and Outreach Plan Ad Hoc Committee. However, appointments to the Committee were continued until the Fire, Health, and Public Safety Ad Hoc Committee could present its report since it was determined that suggestions for engaging the community were expected to be part of that presentation.
- October 18, 2022 - The Task Force Regular Meeting agenda included an item to discuss the development of a Public Engagement and Outreach Plan. The item was continued to a future meeting.

- January 17, 2023 – The Task Force Regular Meeting agenda included an item to discuss the development of a Public Engagement and Outreach Plan. The item was continued to the February 21, 2023 meeting for discussion.

**□ Make recommendations to the City Council on all of the above**

- March 24, 2022 – At a City Council Special Meeting, the Council reviewed the ASL Recommended Action Plan (Attachment 2) developed by the Homelessness Task Force and directed the Task Force to pursue the establishment of an ASL outside of the City using non-City funding sources.
- August 8, 2022 – City staff presented to the City Council the Task Force recommendation to pursue beds at an existing facility outside of the City as a means of reducing the risk of fires associated with people experiencing homelessness. Upon approval of the recommendation, the City Council further authorized the expenditure of up to \$100,000 per year to secure up to three homeless shelter beds for a period of twelve months.

Since the August 8, 2022 City Council Meeting, staff issued a Request for Proposals (RFP) for Interim Shelter Beds, resulting in one submission from The People Concern (TPC). The TPC proposal provided the option of reserving three bed units at its interim housing facility, Turning Point, in Santa Monica. In November 2022, staff was notified that a request to have the Interim Shelter Bed funded by a Los Angeles County Measure H grant through the Las Virgenes-Malibu Council of Governments (COG) was being approved. The finalized contract between the COG and Los Angeles County is still pending.

At this time staff recommends that the Task Force review the progress on the Charter assignments and determine which items have been completed, which have not, and what the next steps will be for completing the remaining items.

**ATTACHMENTS:**

- 1) Resolution No. 21-43
- 2) ASL Recommended Action Plan

RESOLUTION NO. 21-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU  
ESTABLISHING THE HOMELESSNESS TASK FORCE AND CHARTER

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. The City has endeavored to proactively approach the issue of homelessness within the City by promoting the identification and coordination of available services. In 2017, the City began contracting for homeless outreach services and through this effort has succeeded in moving dozens of individuals into temporary and permanent housing.

B. Despite the many successes, homelessness remains a concern in the City, the County and the Nation. Homeless count numbers in Malibu have not decreased in the past five years. Brush fires stemming from homeless encampments have increased dramatically, with at least 10 to date in 2021.

C. To address these and other issues related to homelessness, the City Council approved the establishment of a Homelessness Task Force at its Regular meeting on July 12, 2021.

D. The Task Force will review current plans and efforts related to homelessness and make recommendations to the City Council.

E. The Task Force will explore new ideas to address issues related to homelessness, research different strategies used by other jurisdictions, identify best practices that could be implemented in Malibu, and make recommendations to the City Council.

F. The Task Force will prioritize ideas and strategies that mitigate public safety impacts on the community.

SECTION 2. The City Council hereby creates the Homelessness Task Force, composed of 10 members who reside or work in the 90265 zip code, with two (2) members appointed by each City Councilmember.

SECTION 3. The Charter for the Homelessness Task Force shall include: 1) Review the draft updated goals and objectives of the Homelessness Strategic Plan; 2) Review the concept, need and possible implementation of an Alternative Sleeping Location (ASL); 3) Develop a plan to mitigate public safety and environmental impacts, particularly fires related to homeless encampments; 4) Explore new ideas to address homelessness, research strategies used by other jurisdictions, and identify best practices that could be implemented in Malibu; 5) Develop a robust public engagement and outreach plan to obtain community input on proposed strategies

to protect the health, safety and welfare of the community from the dangers of homelessness and provide assistance to Malibu residents experiencing homelessness; and 6) Make recommendations to the City Council on all of the above.

SECTION 4. The Task Force will meet at least once monthly on a day and time of its members' choosing and will determine its own organizational structure, including a Chair, Vice Chair and subcommittees or ad hoc committees, as needed.

SECTION 5. The Task Force will provide updates at the first City Council Regular meeting following each Task Force meeting and make recommendations to the City Council as appropriate.

SECTION 6. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 21<sup>st</sup> day of July 2021.

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PAUL GRISANTI, Mayor

ATTEST:

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KELSEY PETTIJOHN, Acting City Clerk  
(seal)

APPROVED AS TO FORM:

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JOHN COTTI, Interim City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 21-43 was passed and adopted by the City Council of the City of Malibu at the Special meeting thereof held on the 21<sup>st</sup> day of July 2021 by the following vote:

AYES:	5	Councilmembers:	Farrer, Pierson, Uhring, Silverstein, Grisanti
NOES:	0		
ABSTAIN:	0		
ABSENT:	0		

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KELSEY PETTIJOHN, Acting City Clerk  
(seal)

## RECOMMENDED ACTION PLAN

DATE: [to be added]  
TO: THE MALIBU CITY COUNCIL  
FROM: TASK FORCE ON HOMELESSNESS  
RE: ALTERNATIVE SLEEPING LOCATION(S)

### TASK FORCE CHARTER

On July 21<sup>st</sup>, 2021, the City of Malibu (the “City”) created the Task Force on Homelessness (“HTF”), with an initial charter (“Charter”) as follows:

- 1. Review the draft updated goals and objectives of the Homelessness Strategic Plan.**
- 2. Review the concept, need and possible implementation of an Alternative Sleeping Location (ASL).**
- 3. Develop a plan to mitigate public safety and environmental impacts, particularly fires, related to homeless encampments.**
- 4. Explore new ideas to address homelessness, research strategies used by other jurisdictions, and identify best practices that could be implemented in Malibu.**
- 5. Develop a robust public engagement and outreach plan to obtain community input on proposed strategies to protect the health, safety, and welfare of the community from the dangers of homelessness and provide assistance to Malibu residents experiencing homelessness.**
- 6. Make recommendations to the City Council on all of the above.**

### EXECUTIVE SUMMARY

It is in the spirit of this Charter that the HTF submits the following Recommendations (the “Report”), which will be discussed in greater detail below.

- Establish an Alternative Sleeping Location (“ASL”) of up to thirty (30) beds for individuals experiencing homeless.

- Such ASL will provide a limited number of overnight-only “emergency” beds for LASD referrals to allow full enforcement of no-camping and similar ordinances throughout the City as well as a certain number of additional beds accompanied by appropriate supportive services to help ASL participants transition expeditiously to sustainable housing solutions.
- Provide appropriate transportation to such ASL, as needed.
- Work with organizers of existing meal programs to redirect their efforts towards supporting the ASL program.

This Report reflects, as best as possible, the opinions and recommendations of a majority of the HTF. It is the result of a review of work products provided by various HTF Ad Hoc committees, open discussions at HTF Public Meetings and publicly available information derived from many sources, including without limitation, the Homelessness Working Group.

It is important to note that this Report does not perfectly reflect 100% of every viewpoint, opinion, priority or verbiage of any one HTF member, but rather is a general consensus of the majority and includes many compromises of individual ideas and opinions. The City Council is urged to take all the viewpoints presented herein into consideration when deciding on future courses of action.

The HTF shall continue to work on the above Charter unless or until such time as the City Council moves to terminate its existence, or modifies its objectives.

## INTRODUCTION

The number of individuals living without homes has continued to grow in California and in many municipalities across the United States. Malibu residents have a wide variety of opinions on why this is occurring, just as there are equally diverse opinions on how to resolve and/or deal with this problem. These varying viewpoints range from minor or semantic in nature to very divergent, emotionally charged and polarizing.

This Report puts forth an action plan that the City can adopt to begin reducing the number of unhoused individuals within the City and to increase the entire community’s safety from health, fire, crime and other issues which have been exacerbated by individuals residing on the streets, sidewalks, parks, brush and in other public spaces.

While there may be divergent and controversial issues surrounding homelessness, including its causes, effects and solutions, there are several things that the HTF believes would be agreed upon by the vast majority of Malibu’s citizens:

1. Homelessness continues to be an extensive problem.
2. Previous efforts have yielded measurable results, but further decisive action is clearly needed.
3. Hand-outs are rarely as effective as hand-ups, so any actions the City takes should always be geared towards prioritizing helping those who are ready, willing and able to put in personal effort to regain—not only housing—but dignity, productivity, self-esteem and independence.

4. There continues to be a substantial subset of unhoused individuals who are resistant to housing solutions—especially when such solutions require structure, potential behavioral modification and expectations that such individuals seek (or be willing to accept) suitable employment and substance abuse/mental health treatment (if and when applicable).

5. A variety of court rulings have limited law enforcement’s ability to displace individuals experiencing homelessness and/or their encampments from public spaces without other conditions being met—specifically the existence of viable alternative sleeping location(s).

6. Malibu, with its small population and limited resources and services, is simply not able to facilitate shelter for everyone who may happen, at any given time, to be within the City limits—and a vast majority of the transient/homeless population (especially those without a reasonable nexus to the City) will not be able to secure long term housing within the City.

7. The rights of the entire community to live, work, visit, and peacefully and safely enjoy the City should outweigh unreasonable expectations of the few who may choose to remain unhoused, unemployed and/or untreated.

8. While the City should continue efforts to assist as many individuals experiencing homelessness to become “housed” as may be willing and able as well as practical (within the resources available) the primary objective of the City Council must be to ensure the health, safety and welfare of the entire community and no homeless initiative(s) should be implemented that violate, disregard or diminish the primary objective.

9. Malibu is located in a State Mapped Very High Fire Hazard Severity Zone (VHFHSZ) and has experienced a significant increase in homeless-related arson fires. These threaten the environment, property, businesses, and more importantly—the lives of citizens, unhoused individuals, firefighters and other first responders, thus increasing the urgency of solutions to reducing the homeless population.

10. DOING NOTHING AND HOPING THAT THINGS WILL IMPROVE IS NOT A VIABLE OPTION.

## TERMINOLOGY

Words and their meanings are important, however, sometimes discussions on issues can become hindered by varying interpretations of what certain words or phrases actually mean. It is the hope of the HTF that semantics will not prohibit active and healthy discussion, compromise and action. The City Council is urged to request clarification of any term or phrase used herein where such term or phrase causes confusion or any unintended or adverse consequence.

A relevant example of this is often the use of the word “homeless” or “homelessness” which can invoke feelings that range from sympathy and concern to fear and resentment. Nothing in this Report should be construed as implying that “homeless” people as a class are lesser human beings or the sole cause of society’s ills. Often HTF members may have used words or phrases that may be offensive to some—that was clearly never the goal of the HTF or any of its members. The true goal was to facilitate open dialogue, encourage diverse ideas, while not “missing the forest for the trees” when discussing this issue within the HTF. The HTF is focused on assisting those individuals who

are willing to receive transitional support services and work towards greater self-reliance, while protecting the community from the adverse impacts created and exacerbated by individuals “occupying, camping and/or temporarily residing” in public spaces.

While it is not a crime to be homeless, and there are those who are unhoused through external circumstances beyond their reasonable control, it is not fair for an unhoused individual: (i) to resist qualified mental health or substance abuse treatment (if diagnosed needed and available), (ii) to refuse to seek or maintain employment (commensurate with such individual’s present abilities), (iii) to disclaim being subject to the same laws and boundaries society imposes on itself, (iv) to select *any* public place they want to camp and/or reside despite the adverse effects on themselves and others, and (v) to believe that they should be exempt from all of the work, sacrifices and financial compromises that all others have to contend with when choosing a place to live.

“Alternative Sleeping Location” or “ASL” – this term may be used as a singular or plural term, but the actual number of beds and/or location(s) may vary as the context below implies. For the purposes of this Report, an ASL would include additional transitional services to participants.

“Bed” – this term simply means something to sleep on; it may be a mattress on a frame, a cot, a bivouac sac, an inflatable bed or some other form of sleeping mat.

“Emergency Bed” – while any beds technically fall under the term “ASL,” for the purposes of this Report “Emergency Beds” refers to an overnight solution exclusive of meals or transitional services that would be offered to “fully-enrolled” ASL participants. These exist only to provide a night’s “shelter” for those who otherwise may sleeping outside. This would be utilized mainly by law enforcement to allow LASD to compel individuals to move from where they have encamped. Such individuals will still be expected to observe the behavioral conduct “Rules” established for such temporary shelter for the safety of law enforcement, staff, other participants and themselves, and may be considered for full enrollment in an ASL program subject to availability and the conditions of full enrollment.

“Homeless” – the population of unhoused individuals is not a homogenous group. There is a broad range of how, why and where such individuals are present in the City, why they are currently without a physical “home” and there are often divergent goals of such individuals to seek housing, employment and (when applicable) substance abuse treatment and mental health services. Within the homeless population, there is a spectrum of individuals, ranging from those who are ready, willing and able to do anything it takes to “rejoin” the ranks of the “employed and housed,” to those who currently are unwilling to do so.

The HTF is very sensitive to interpretations of terms such as “choice,” “ability” and “willingness” when used in connection with unhoused individuals. When used herein, these should not be construed as being condescending, judgmental or having negative connotations. We recognize that individuals who suffer from mental health issues, struggle with substance addiction and/or who have experienced severe trauma (exacerbated by living on the streets for extended periods of time), may have inhibited capacity to make better “choices” without appropriate assistance, support and treatment.

The terms “homeless,” “unhoused,” or “transient” may be used, seemingly interchangeably, however, the HTF recognizes that these terms may have different connotations and we urge the City Council to not dwell on the “form” of these phrases, or other terms often used in discussions involving homelessness, but rather the “substance” of the entire Report.

## RECOMMENDATIONS

### I. IDENTIFY AND/OR CREATE A VIABLE ASL.

The HTF firmly recommends that the City Council take immediate steps to establish an Alternative Sleeping Location (“ASL”) to help willing individuals experiencing homelessness transition to sustainable housing solutions and greater self-reliance. The ASL would provide short-term sleeping arrangements and transitional support services to those who agree to (and continue to abide by) certain basic behavioral standards and demonstrate continuing efforts to become sustainably housed and increasingly self-reliant (to the extent of their capacity to do so). ASL participants would be expected to engage during the day in certain activities furthering that objective. The ASL would also provide certain overnight-only “emergency beds” (as discussed below) that will allow LASD to enforce no-camping and similar ordinances throughout the entirety of the City.

Noting the current homeless count of approximately 140 individuals, the experience of other cities, and the advice of local experts regarding the Malibu homeless population, the HTF firmly recommends that the City Council take immediate steps to identify and/or facilitate an Alternate Sleeping Location (“ASL”) that can accommodate at least six (6) and up to a maximum of thirty (30) beds. The HTF believes this range of beds will be sufficient to accommodate those individuals who would accept assistance and be willing to abide by the conditions for participation.

The HTF is well aware that the choice of location(s) for any ASL has always been one of the most challenging and potentially contentious of issues. No location would be without unique challenges and the HTF has weighed many factors, including without limitation, speed of implementation, Community support (or opposition), practicality, where the participants “go” when they are not in the ASL and an ASL’s proximity to the following (in no particular order):

- (i) Public transportation.
- (ii) Hospital and Other Medical Facilities.
- (iii) Treatment Services (Mental Health and/or Substance Abuse Facilities).
- (iv) General Life Services (food, laundry, etc.).
- (v) Potential Employment Opportunities & Affordable Housing.
- (vi) Continuing Education/Vocational Training.
- (vi) Residences, schools, and other more vulnerable areas (including, without limitation, fire hazard zones).

**A. LOCATION.** Based upon the above criteria, which is driven by proximity of an ASL, it seems that it would be better for individuals experiencing homelessness to have an ASL located outside the City if such a location would provide more ready access to medical, mental health and addiction treatment options, employment and associated affordable housing opportunities and so forth. The HTF recommends that the primary location (“Primary Location”) for an ASL should be outside the City of Malibu and within approximately twenty (20) miles of the LASD Lost Hills Station or the Malibu Substation (when such substation comes online). The HTF also recommends that some

form(s) of transportation be offered/provided (as discussed further below). Prior to choosing any specific location(s) outside of Malibu, the City should take the necessary steps to verify that such location(s) would permit full LASD enforcement of the City’s no-camping and similar ordinances.

The HTF recommends that if, and only if, the Primary Location (i.e. locating an ASL outside the City) is found to be untenable, economically unfeasible *or* that it can be demonstrated that, after applying all reasonable legal efforts, the Primary Location cannot satisfy the need for the enforcement discussed herein, then, and only then, would the HTF recommend that the City Council consider establishing an ASL inside the City.

### **Pros of an ASL located outside the City:**

**(i) Proximity to the Above Services.** It may be better for individuals experiencing homelessness to have an ASL located outside the City if such a location would provide more ready access to public transportation, medical, mental health and addiction treatment options, employment and associated affordable housing opportunities. The HTF believes that Malibuites are generally very caring and compassionate about the plights of individuals experiencing homelessness and want to see as many of these individuals get better and become employed and housed, and this would be a beneficial way to achieve that objective.

**(ii) Short Term “Fix” vs Long Term “Solution.”** The HTF believes that while there would be certain expedient advantages of establishing an ASL within the City limits, it would not be to the advantage of individuals experiencing homelessness as the ultimate goal is to assist them to obtain long term housing and employment, reconnect them with families and other supportive services, restore self-confidence and dignity and thus ending the cycle of despair and homelessness. Given the City’s limited services, employment opportunities and affordable housing, providing “beds” in Malibu may provide an extremely temporary “sleeping accommodation” but may actually result in prolonging the homeless experience of these individuals.

Though the recommendation is for a location outside the City, the following are presented as some advantages of a location inside the City:

**(iii) Transportation.** Any ASL, whether outside or within the City, will likely necessitate providing some form of transportation to the ASLs. That said, locations outside the City may involve greater transportation-related costs.

**(iv) LASD Enforcement.** The HTF has used the best feedback available to it when concluding that an ASL outside the City may allow for LASD enforcement. While no individual’s opinion on this matter is “gospel,” we have taken into consideration the recent comments made by LASD representatives in public and private meetings. Our interpretation of these dialogues has been that the LASD is willing to enforce as long as there is some ASL, “somewhere” and that if it is, indeed, outside the City, its proximity should be “reasonable.” The HTF is also aware that terms like “reasonable” are highly subjective, and may require additional adjudication - please refer to the section entitled “Legal Clarity” below. Nonetheless, it is believed that a location within the City would mitigate that subjectivity in the context of the County’s (and thus LASD’s) evaluation of whether the ASL’s location will satisfy criteria adjudicated in Martin v Boise.

**(v) Mentor Support, Meals & Other Services.** With a locally situated ASL, meal services provided by local charitable groups may be redirected to the ASL, reducing the cost of operating the ASL and ending the current provision of meals to the homeless population at large. In

addition, a locally situated ASL would facilitate Malibu residents serving as volunteers and mentors to ASL participants (similar to Big Brother/Big Sister programs), providing much-needed emotional support and other services to participants, greatly facilitating their transition to sustainable housing.

**(vi) Self-Governance.** Management of a location within the City may be simpler from a governance perspective. Managing an ASL in another jurisdiction may subject the ASL to policies and statutes beyond the City’s control, and may present conditions, procedures and requirements that would render the ASL more costly to run, less adaptable to changes in conditions and less effective in its mission.

**B. NUMBER OF BEDS.** The HTF recommends an ASL of at least six (6) and up to thirty (30) beds, PROVIDED THAT, if feasible, the City should commence with the smaller number and scale up to the maximum only as needed. Should an ASL be situated inside the City, it should have a Maximum Bed Count (“Cap”) of thirty (30) beds established by a City ordinance or statute. Given limited availability of services, municipal property and local zoning ordinances, the HTF believes that this Cap is the maximum that could be feasibly supported within the City. Should more beds be required, they would, by ordinance or statute, have to be located outside the City.

**C. FACILITIES.** Regardless of location, an ASL should adhere to the following minimal standards/characteristics:

**(i) ASL vs Housing.** The ASL is not intended to be housing. It is, as its name implies, an alternative sleeping location. As such, it should be “communal” in nature, and it should never deploy individual tents, “tiny homes,” pallet houses, pods or similar forms of shelter—the HTF believes that progress in all of its forms is better accomplished with fellowship rather than isolation. It should be clean and dignified, but never viewed as a long-term solution or preferable to being employed and obtaining true “housing.”

**(ii) Temporary & Mobile.** It should be as “temporary” and “mobile” in nature as zoning, construction, space and other constraints allow. The main reason is for speed of implementation, but the second reason is that the City may need to dismantle or relocate this ASL should it not solve issues of enforcement or, worse, create more problems than it is intended to resolve.

**(iii) As “Unobtrusive” as Possible.** It should be located in such a way as to not be readily visible from main streets, offices, residences, retail businesses or other commonly used public spaces.

**(iv) Green Zone/Zero Tolerance.** A “Zero Tolerance” zone should be established within a substantial radius of the ASL which will have enhanced security and enforcement of other drug sales (or use), loitering, camping, smoking (unless in safe, designated areas) and nuisance laws.

**(v) No Loitering.** It should prohibit, to the maximum extent possible, loitering. One of the greatest concerns that the HTF has, and it believes may be shared by Malibu residents (especially those who live or work near where such an ASL might be located) is that many of the ASL’s participants will loiter all day long in or near the businesses, parks, bus stations, sidewalks and/or residences near the ASL, and with so much “idle” time, will potentially participate in negative actions detrimental to themselves, as well as the community. In order to alleviate this concern of the community, any local ASL must have some combination of mandatory participation in employment,

treatment and/or counseling services during the day so the ASL's participants have some "obligation" to work on becoming sustainably housed and/or "give" something back to the community in return for the community's helping them.

**D. SINGLE FACILITY vs "MULTIPLE UNIT" MODEL.** The HTF has discussed various ways to create the number of beds it believes necessary to accomplish the goals set forth in its Charter as well as taking into consideration previous goals and objectives established by the City regarding reducing homelessness.

An option that was considered involved implementing one or more "modules" (each accommodating a maximum of six (6) individuals) within residential settings, inside or proximate to the City, via a series of contiguous or closely proximate single-family dwellings ("SFDs"). The HTF tasked a special ad hoc to review some of the legal issues that such an option could create. After reviewing their findings, which contained substantive legal concerns, and after considering other ethical and economic challenges, the HTF has determined not to recommend this option.

**E. LEVELS OF ASSISTANCE.** The HTF has also considered the level of assistance an ASL should provide and/or facilitate. The HTF recommends that the ASL include both (i) a small number of Emergency Beds and additional beds with some form of transitional services for those individuals who agree to participate and abide by the conditions for such assistance (discussed further below under the section entitled, "Rules").

The HTF recommends that the transitional services be contingent upon an individual's: (i) willingness to participate in the ASL's self-improvement programs, (ii) continued efforts towards increasing self-reliance, and (iii) continued compliance with the Rules (described below) of the ASL. Priority for these transitional beds should be given to those individuals who can demonstrate a "nexus" to the City.

**(i) Emergency Beds.** These would be the most basic, "no-frills" cot, bivouac sac or sleeping mat in a communal space. There would be access to simple lavatory facilities, (possibly porta-potties) and no evening meals would be offered. Individuals will: (i) have to vacate each morning, (ii) only be able to bring into the ASL personal items that they can carry, (iii) not be able to store belongings, and (iv) be subject to all of the Rules discussed below. These emergency beds are also for use by law enforcement as a means to relocate individuals from unsafe, unsanitary and inappropriate locations by giving them this alternative sleeping option.

**(ii) Transitional Services.** While emergency-only beds provide a necessary and humane function, they do little to create sustainable housing opportunities. The net result of which may be that over time the numbers of unhoused individuals will simply continue to grow, arguably necessitating and ever-growing number of emergency beds. Transitional Services are geared toward assisting individuals in their pursuit of employment, housing and substance abuse and mental health treatments. Only those individuals who qualify for and are willing to abide by the terms for participation in the ASL may be enrolled in Transitional Services.

It is understandable that an individual who has spent an extended length of time sleeping on sidewalks, under overpasses or in the brush may not immediately be able to start seeking employment and housing opportunities with success. This is generally even more true if such individual has mental health, trauma or substance abuse issues. The beginnings of transition living must begin the process of substance detox, trauma treatment, treatment of acute medical needs (i.e. lacerations, wounds, mites, etc.), improved body, hair and nail hygiene, haircuts, clean change of clothes, nourishment,

sense of safety, reconnection with family and friends or the establishment of other trusted relationships, mental health services and/or identifying proper medications, etc.

Continued effort and compliance on their part will allow them to enter the next phase, which would have individuals working more closely with outreach professionals to identify and improve skill sets (including life skills, personal financial management skills and employment skills), create viable career and housing goals, while continuing to work on medical, mental health and substance issues. The “final” transitional level should contain the highest amount of focus on the next steps in terms of housing and employment and other governmental or private social services available. Participants at this level should enjoy the maximum privileges and “trust” and should be encouraged to consider assisting those who have recently “arrived.”

**F. RULES FOR PARTICIPANTS.** Rules, requirements and/or responsibilities (collectively “Rules”) are things that all members of the community adhere to, and the unhoused population should not be an exception, especially within the ASL—this is for their well-being and safety as well as for the well-being and safety of all staff and other participants. Any and all Rules will be administered with dignity and consistency, and with the ultimate goal of giving such individuals a far better chance of re-entering permanent housing than they currently have when they are sleeping in random public spaces. The HTF recommends that the City Council (utilizing the City Attorney) should carefully review the ASL’s Rules so as not to run afoul of the Ninth Circuit’s Ruling in Martin v. Boise, other relevant statutes as well as simple common sense.

It is recommended that the ASL review and adapt rules and policies that have been used successfully by other jurisdictions with ASLs, but at a minimum, the following should be adopted by the ASL (subject to appropriate vetting by the City Attorney):

**(i) Registration.** Any and all individuals who spend even one night in the ASL should be expected to “register.” Such registration is not intended to be overwhelming or, in and of itself, an impediment to providing access to the ASL. It will also serve as the beginnings of an “intake” of such individual to see whether they are ready, willing and able to make changes and work towards “normalizing” their lives.

**(ii) Curfews & Hours of Access.** To maintain the ASLs ability to function effectively and safely, there should be a reasonable curfew, so as not to have individuals coming and going after hours, which is not fair to the staff or other participants. In addition, the ASL must not become a place to “hang out all day,” and thus participants must be utilizing their time during the day either working at existing employment, finding employment or working with staff on developing life skills, personal financial management skills, employment skills or other housing and health related issues.

**(iii) General Department.** While subjective in nature, all staff and participants must maintain themselves at all times in a civil manner and refrain from actions that are detrimental to others who are either working/volunteering at the ASL or are participants who are trying to work towards housing and employment goals. Offensive and vulgar language, harassment or intimidation of others, smoking (unless in designated areas), excessively loud noises or criminal behaviors should not be tolerated and, after warning (if applicable), should result in expulsion from the ASL. The ASL should have the ability to remove or deny entry to any individual who is, or who in the past, has demonstrated behaviors that make them a danger to themselves or others.

**(iv) Drug Use.** Not all participants in the ASL have substance abuse issues (whether from illegal drugs or an abuse of “legal” pharmaceuticals), but those that do must be willing to accept substance abuse treatment and consider alternatives to continued substance abuse. That said, it is simply not possible for the ASL to make abstinence (away from the ASL) a requirement, PROVIDED HOWEVER, that there must be a zero-tolerance policy of substance use or possession inside the ASL or its surrounding “Green Zone.” Participants must consent to having their persons and/or belongings searched to ensure that they are in compliance with this policy. In addition, the ASL should have the right to deny entry to any person who appears to be intoxicated and/or “under the influence” when such appearance is accompanied by behaviors that may be unsafe for staff and other participants. The HTF understands that this may require a “judgment call” by a staff member, and some protocols should be put in place to ensure that this is meted out fairly, and in such a way as to not place the ASL or any of its staff in actual danger or other legal jeopardy.

**(v) Participation in Services.** As discussed above, the ASL isn’t intended to be housing, but rather, a temporary place for an individual experiencing homelessness to sleep and obtain services that will allow such individual to become sustainably “housed.” Remaining homeless without putting in any effort to becoming sustainably housed, employed and healthier is not an option for participants in the ASL. They must work a program with their assigned staff member or outreach worker in order to stay in the ASL.

**(vi) Maintaining Cleanliness of the ASL.** All participants in the ASL must share in the general safety, security and cleanliness of the entire ASL including the surrounding area. The ASL’s staff is not there to clean up after participants, but rather must meet out tasks in a fair and consistent manner, and not as punitive measures. Specific accommodations may be made for those individuals with physical or psychological handicaps as appropriate, but all participants must do something to pitch in commensurate with their abilities.

**G. TRANSPORTATION.** Malibu is a small city in terms of population, but is extensive in terms of its land area and unique topography. As mentioned elsewhere, there are point-to-point distances within the City that are farther from each other than certain of the above external locations are from the center of Malibu. Even if an ASL were to be located inside the City, it is possible that an unhoused individual being asked to “move” might claim an inability to get to an ASL, and thus the City might theoretically be obligated to provide some “intra-city” transportation. It is envisioned that this transportation will have limited hours of operation.

Preliminary estimates are that an operational van (if needed, regardless of who owns and operates it) may cost approximately \$100,000 to \$200,000 per year depending on ASL location, excluding the initial cost to purchase or lease the vehicle, but including the costs of drivers, maintenance, gas, insurance, cleaning, parking/garaging, etc. The HTF encourages the City to also explore other options, including without limitation, “vouchers” for ride-shares or other third-party transportation.

The HTF is aware that there are legal, liability and logistical issues relating to transportation, however, we are also aware that other municipalities have dealt successfully with this issue and the City should review carefully what those other jurisdictions did to mitigate these issues.

**H. MANAGEMENT.** The HTF is acutely aware of the need to have any ASL run safely, cost-effectively and constructively. To that end, the HTF recommends that the City appoint a “board of directors” or some other management/oversight committee to oversee the operation of the ASL, to ensure both the high-quality operation of the ASL and operational compliance with the “hand up”

philosophy discussed below. The board’s oversight would include selecting, reviewing, and overseeing third parties who may be contracted to run and/or provide services for the ASL and its participants.

The following aspects of ASL management should be considered:

**(i) Philosophy.** The operator of the ASL should be committed (including explicitly by contract) to a “hand-up” rather than a “hand out” approach. This means emphasizing self-reliance to the extent of an individual’s capacity, on a case-by-case basis, with all activities of the ASL designed to further that goal. Each ASL participant should agree to, and the ASL operator should proactively promote, constructive employment as the intended primary means of such individual’s support, to the extent of such individual’s capacity, family support as a secondary means, and reliance on government and other third-party support only as a tertiary measure to provide for necessities in excess of what the individual and/or their family is able to provide.

In furtherance of this philosophy, the ASL should offer resources designed to give each individual (1) purpose, whether through employment, service opportunities or other means, (2) whole education, including life skills, employment skills and personal financial management skills, and (3) real friendship, for example through a mentorship program that connects ASL participants with established members of the local community (in a safe environment). The HTF believes these three “human needs” to be critical to an individual’s success in being sustainably housed.

**(ii) Execution.** In both the selection and the ongoing evaluation and retention of an operator, the City should diligently evaluate such operator’s expertise, experience and capacity to enact a successful program consistent with the above philosophy. In addition to the diligent work of City staff in this regard, a board of directors comprised of knowledgeable and engaged citizens should be established to work with the City in overseeing successful operations. Historical results of the ASL operator, both in respect of its ongoing contract with the City and in respect of its work elsewhere, should be evaluated, including such periodic metrics as: (i) the number of people housed, (ii) the number of people remaining housed after one year and three years, (iii) the number of people reunited with friends and/or family, (iv) the number of people achieving gainful employment, and (v) the number of people retaining gainful employment after one year and three years.

In assisting ASL participants, a coordinated care model should be followed, in which all elements of each participant’s transition are evaluated in periodic (e.g. weekly) case conferences. Such conferences should include providers of the various aspects of support, so that all such elements of support work in unity to ensure the proper type and amount of support throughout the participant’s progression. Such support should be tailored to each individual based on such individual’s specific strengths and needs, subject to core fundamental principles of self-reliance, compassion, and accountability. Key elements of successful operation would include case management, clinical case management, housing coordination, program management, and redundant 24/7 staffing adequately trained in conflict management, de-escalation and emergency procedures. Services may be provided by the ASL operator directly, by third-party contract, by subcontract, or by local individual or group volunteers.

**I. LEGAL ISSUES.** The HTF recommends that the City Council direct the City Attorney’s Office to analyze certain legal issues that may arise relating to the ASL, including its impact on the full enforceability of the City’s no-camping and similar ordinances, avoiding tenancy issues, or matters such as accessibility, liability and the enforceability of ASL rules. In addition, the HTF recommends that the City Council task the City Attorney with analyzing the various and optimal “ownership structures” of such an ASL, i.e. whether it is directly owned, leased and/or managed by

the City, or whether it is owned, leased and/or run by a third-party (i.e. a non-Profit) which has contracted with the City for its beds and other services.

Should concerns arise about immediate enforcement of Malibu’s existing laws and whether an ASL outside the City satisfies legal concerns, the HTF recommends that the City Council consider some additional proactive course (such as the filing of a Motion for Declaratory Judgment or similar action) to give better judicial clarity and allow for more robust enforcement.

**II. IDENTIFY “BEDS” AT EXISTING SHELTERS.** As a non-mutually exclusive option, the City should also immediately explore opportunities to “acquire” rights to utilize beds which may be available in one or more existing facilities proximate to the City, PROVIDED THAT: (i) the City is willing to provide, at the City’s expense, reasonable transportation to such facilities, (ii) such facility operates in a manner consistent with the philosophy described above, and (iii) providing access (and transportation) to such beds would pass legal “muster” for law enforcement to enforce Malibu’s “no-camping” related ordinances. This option, if viable, would most likely require the City to make financial contributions to such facilities (in an amount as yet undetermined) in order to have such beds “reserved” exclusively for the City’s use. An advantage of this option, besides expediency and scalability, is that these would be owned and operated by others (contracted by other jurisdictions) and the City would have no management responsibilities.

The HTF is currently unaware of any specific viable options in other existing facilities, however, should they be identified *and* should they pass legal “muster” *and* be contractually available in sufficient quantities *and* be cost-feasible, the HTF would recommend that the City consider this option as part of a long-term solution, even possibly in lieu of some of the other recommended actions discussed above.

**III. EXISTING SERVICES & MEAL PROGRAMS.**

**A. EVALUATION OF EXISTING PROVIDERS.** With the implementation of an ASL, the HTF recommends that the City should evaluate the current “homeless” services contracted by the City to determine whether those contracts such services can be effectively performed by or in concert with the ASL and, accordingly, whether those contracts should be renewed, cancelled or modified in their scope and cost. The latter may allow the City’s resources to be better allocated when implementing the plan(s) referenced herein.

**B. MEAL PROGRAMS.** Few Good Samaritan efforts get more support or vehement opposition than local meal programs. There are many within the Malibu community who have great compassion yet view these programs as counter-productive, creating continued dependency and of attracting more individuals experiencing homelessness to Malibu (who then simply elect to remain here). Those who organize these meal programs would respond that they are also compassionate people who truly want to help in conjunction with alternative services as part of a larger outreach, specifically by: (i) helping establish trusting relationships, (ii) identifying and determining real needs that can be addressed, and (iii) providing invaluable aid in the next steps with appropriate homeless service providers.

The establishment of an ASL (in or near the City) offers the organizers and volunteers of these meal programs to continue their good work while mitigating the perceived unintended consequences. The HTF has received commitments from several meal program sponsors, upon the establishment of

an ASL, to re-direct their activities towards assisting those individuals who are participating in an ASL, rather than to the homeless population at large, provided the location of the ASL is reasonably accessible. Accomplishing this would be a potential win-win for the meal program organizers, for the entire community *and* for the individuals participating in the ASL's program(s) who are earnestly working hard to constructively change their lives.

#### **IV. PUBLIC SAFETY.**

While the establishment of a viable ASL may be an integral part of increasing the enforcement of local “camping/loitering/vagrancy” laws, the HTF strongly recommends that the City continue its efforts to ensure that these existing laws are enforced by the LASD. In addition, the City should encourage the Office of the Los Angeles County District Attorney to prosecute crimes by repeat offenders, and even first offenses that directly or indirectly threaten the health and safety of Malibu’s residents (including the unhoused), guests, employees and visitors.

#### **V. FURTHER CITY COUNCIL ACTIONS.**

The HTF recommends that City Council adopt these recommendations and instruct City staff to conduct such analysis and review as may be prerequisite, and develop a plan to implement such recommendations as soon as practicable.

Furthermore, the HTF would request that if the City Council elects to pursue establishing an ASL, and gives clearer guidance on the location as recommended above, that the City tasks the HTF to proceed forward, working closely with City staff, to further identify and evaluate specific potential locations within the “chosen” area(s).

### **ADDITIONAL COMMENTS**

As pointed out in the Executive Summary, while the above Report reflects the opinions and recommendations of a majority of HTF members, it should not be construed as representing unanimity. The following are several key areas where a minority of HTF members expressed a dissenting or alternate opinion:

A. NO ASL. One HTF member was opposed to the creation of an ASL, regardless of location, size or make-up.

B. LOCATION. Two HTF members believed that the City should consider locations inside the City first. While the remainder (except for the individual referenced in “A” above) were supportive of a location inside the City (as a secondary option), all expressed concerns about where such a Malibu ASL might be located. They highlighted the need for limitations on size and that the challenges of a local ASL must be offset by a commensurate increase in enforcement of the laws intended to provide for the health, safety and well-being of the entire community.

C. MODULARIZED MODEL. One HTF member believed that the option discussed above in Section I.D (SINGLE FACILITY vs “MULTIPLE UNIT” MODEL) was not only viable, but a better solution than the single “centralized” facility recommended above.

**END OF REPORT**

The Task Force thanks the City Council in advance for its thoughtful consideration of this RECOMMENDED ACTION PLAN and invites the Council to request anything from the HTF that it believes would further assist it in its analysis and/or implementation of the above.

Respectfully,

Task Force on Homelessness



# Homelessness Task Force Agenda Report

To: Chair Roven and Members of the Homelessness Task Force

Prepared by: Luis Flores, Public Safety Liaison

Approved by: Steve McClary, City Manager

Date prepared: February 7, 2023 Meeting date: February 21, 2023

Subject: Future Agenda Items

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**RECOMMENDED ACTION:** Review items tentatively scheduled for upcoming meeting agendas and provide feedback to staff.

**DISCUSSION:** The following items are tentatively scheduled for upcoming meeting agendas:

- Develop a robust public engagement and outreach plan on obtaining community input to be presented to the City Council for approval
- Explore new ideas to address homelessness, research strategies used by other jurisdictions, and identify best practices that could be implemented in Malibu

**ATTACHMENTS:** None.