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**Cc:** Page, Leon <Leon.Page@coco.ocgov.com>; Knapp, Laura <Laura.Knapp@coco.ocgov.com>; Graham, Justin <Justin.Graham@coco.ocgov.com>

**Subject:** RE: Maintenance Plan

**Date:** Tue, Feb 6, 2018 5:31 pm

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Dear Counsel,

We are writing in response to your below email. We believe you have mischaracterized and/or misunderstood our previous conversations. Nevertheless, as you are aware, tomorrow marks the 30<sup>th</sup> day from the date that noticed was posted regarding Orange County Flood Control District's ("District") environmental remediation project ("Project") being performed along the channel of the Santa Ana River ("River"), and well over a month since we first met and conferred with your office about the Project. At the same time, it was made clear to the public, your office and those encamped on the District's property that the District had made the determination that human habitation on the District's Santa Ana Riverbed property is wholly inconsistent with the District's flood control purposes and poses a serious health and safety threat to those encamped there as well as all of the citizens of the County.

Every effort has been made throughout this process to allow people to maintain access to their property, both to comply with the *Schuler* settlement ("Settlement") and to accommodate people as they seek new housing arrangements, either through one of Orange County's ("County") shelters or programs, or some other avenue. Orange County Public Works ("OCPW") has made it a practice to leave both pedestrian and vehicle gates unchained and unlocked since the start of the Project on January 22, 2018, and has actively unlocked gates if they have been found to be locked. OCPW and OC Sheriff ("OCSD") have also allowed non-County motor vehicles on District property, on a case-by-case basis, to facilitate people moving their property and facilitate their voluntarily complying with the District's directive to vacate the Project area with their possessions so that the District may perform its Project.

However, OCPW and OCSD personnel have observed that the rate of voluntary compliance with the District's direction to leave the Project area have effectively stalled out, for whatever reason. OCSD and OCPW personnel have observed people to be simulating moving, for lack of a better term, by, for example, moving piles of possessions from one side of their campsite to another and then moving them back, or raking dirt near their tents. While the District has been willing to delay the start of the construction and other activities associated with the Project while people have been engaged in good-faith efforts to move, or enter into services, it seems that for a large percentage of the population those efforts have stalled, and the District can no longer justify delaying performance of the crucial work of the Project.

Consequently, beginning tomorrow morning, OCSD personnel will begin advising people remaining on the District Santa Ana Riverbed property that they must vacate or may be cited and/or arrested for trespassing. Essential Items as defined by the Settlement and OCPW policy found in campsites that are unoccupied or temporarily unattended will be stored per the terms of the Settlement. If people are attempting to leave but have property that they cannot transport with them, OCPW will store items of value and Essential Items for a period of 90 days free of charge.

Per past practice, the Settlement, and OCPW policy, nothing that would present a health hazard shall be stored. These include flammable items, items contaminated with human or animal waste, wet items, toxic

items, or anything that could reasonably be anticipated to present a hazard to health or property during storage. Furniture and building materials (excluding tarps in good condition) will generally also not be stored.

The County and the District hope that citations and/or arrests will not be necessary and that people will voluntarily leave the Project area; however, people who refuse to comply with the direction to leave within the allotted time will be subject to citation for PC 602. Any person who continues to remain after being cited for trespass will be arrested and booked into custody. OCPW will store the property of any person arrested in the Project area subject to the same caveats regarding potentially hazardous materials and building materials.

Each person whose property is stored will be provided with details of how to reclaim it, as has been OCPW's consistent practice since the Settlement was executed and throughout the course of performing this Project.

Please let us know if you have questions.

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**Subject:** Maintenance Plan

Dear Counsel,

We have discussed the plan quite a few times. Each time your office informed us that:

- People who are still moving will be allowed to come and go
- The fences will not be locked
- Your office will tell us when it is ready to start the voluntary storage and until that time, no arrests will be made for "trespassing"

As of this week, many fences are locked making it particularly hard for people to move their property and the County has not started voluntary storage. However, it seems more people are being threatened with arrest.

Does the county still plan to inform our office when voluntary storage of property that cannot be moved becomes available, and to continue allowing people who have not finished moving to come and go without threat of arrest for trespassing on the bike path?

Regards,  
Brooke



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