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10 Attorneys for Defendants, City of Chico
11 and City of Chico Police Department

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
14 SACRAMENTO DIVISION

15 BOBBY WARREN; ANDY
16 LAMBACH; JOHNATHON
17 WILLIAMS; MICHAEL
18 SAMUELSON; TRACY MILLER;
19 TONA PETERSEN; CAROL BETH
20 THOMPSON; CHRISTA STEVENS,

21 Plaintiff,

22 v.

23 CITY OF CHICO; CITY CHICO
24 POLICE DEPARATMENT

25 Defendants.

Case No. 2:21-cv-00640-MCE-DMC

DECLARATION OF MARK ORME IN
SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION

Date: April 23, 2021
Time: 10:00 a.m.
Courtroom: Videoconference

26 I, MARK ORME, declare as follows:

27 1. I am employed by the City of Chico and hold the title and position of
28 City Manager. I've held this full-time position with the City since June 3, 2014.

29 2. I am familiar with the allegations and contentions contained in
30 Plaintiffs' First Amended Complaint for Declaratory and Injunctive Relief
31 pursuant to 42 U.S.C. Code Section 1983, as well as the allegations and contents
32 contained in Plaintiffs' Ex Parte Motion for Temporary Restraining Order.

1 3. I declare that all the statements contained herein are true and correct
2 to the best of my knowledge and that I could and would testify as to the truth and
3 veracity of each statement herein.

4 4. It is my understanding from reading Plaintiffs' Ex Parte Motion for
5 Temporary Restraining Order that Plaintiffs have alleged that in 2019, Butte
6 Countywide Continuum of Care conducted a Point-In-Time ("PIT") count of
7 unsheltered and sheltered homeless people in the County and that PIT found 571
8 unsheltered adults live in Chico, California. The 2019 PIT was conducted on
9 March 28, 2019, over 2 years ago, and concedes that "it is intended to be a
10 snapshot in time."

11 5. Contrary to this 2-year-old information, it is my understanding that
12 over the past 2 years, there has not been a formal census taken of the unsheltered
13 in Chico. As such, there is no current or accurate information, to my knowledge,
14 as to the actual total number of unsheltered adult persons living in Chico.

15 6. There is no doubt that the crisis of unsheltered homelessness is a
16 continuing concern in the City of Chico. So much so that the City of Chico
17 approved a Shelter Crisis Declaration in 2018. (See Plaintiffs' Exhibit 2 –
18 Resolution No. 82-18, Resolution of the Council of the City of Chico declaring a
19 Shelter Crisis in the City of Chico). This designation allowed the City to become
20 eligible for the Homeless Emergency Aid Program. ("HELP"), a program to
21 provide immediate assistance for its homeless population.

22 7. Additionally, in addressing the need of shelter availability and the
23 need for emergency shelter beds for the unsheltered, the City has taken ongoing
24 and concerted efforts and actions to combat the need and has created in place
25 shelters for the unsheltered.

26 8. The City has hired a Homeless Solution Coordinator to lead efforts to
27 comprehensively address homelessness and to set available properties for use for
28 temporary sheltering, navigation centers, and permanent emergency shelters.

1 9. The Chico Police Department Target Team is the primary unit within
2 the Police Department that is tasked with liaising with the homeless population in
3 Chico. The Target Team's primary mission is to connect with the homeless
4 population with resources, as well as working closely with Butte County Mental
5 Health to guide people to resources.

6 10. The City has a current and ongoing facility, True North
7 Housing/Torres Shelter ("Torres Shelter"), which is a year-round, free shelter that
8 is available to unsheltered men and women. The Torres Shelter recently re-
9 opened its facilities in March 2021 for full service to the unsheltered. Based upon
10 my information and belief, currently, the number of shelter beds available every
11 night at the Torres Shelter varies daily between 40/50. Based upon information
12 and belief, provided by the Chico Police Department, there are open, unused beds
13 nightly. As such, there are enough shelter beds available to those who want to use
14 them.

15 11. In addition to the Torres Shelter, the City has made available to the
16 unsheltered, Project Roomkey, a program which accommodates unsheltered adults
17 65 years and older, although there is a waiting list now. There are approximately
18 71 individuals currently being housed at this facility.

19 12. Additionally, the Sabbath House, an emergency shelter formerly
20 located at the Jesus Center in Chico, has been closed due to COVID-19 and has
21 not re-opened as the Jesus Center moves to another location. I am informed and
22 believe that the Jesus Center plans to re-open the Sabbath House in April 2021. It
23 was an overnight shelter for woman and children (boys up to 12 years old). When
24 it was open, the Sabbath House had a capacity of 26 beds.

25 13. In addition to the Torres Shelter and the Jesus Center, the City has
26 provided long-term land leases at little to no cost, as well as funding for
27 emergency transitional and permanent housing.

28 14. One of the current City projects pertaining to the lease of land

1 includes Creekside Place apartments which was built in 2015. 15 units of which
2 will be permanent supportive units for seniors who are homeless or at risk of
3 homelessness with a mental health disability.

4 15. Additionally, starting in 2017, Chico Police Department's Homeless
5 Evaluation Liaison Program ("HELP"), seeks to identify people who are
6 experiencing homelessness who have a desire to return to their support system but
7 need help with transportation. If requested, officers contact the person's support
8 group and ensure they are willing and able to assist the individual upon their
9 return. The officer then assists the person by purchasing a bus ticket to their
10 preferred destination. On average, 10 persons are assisted annually. The program
11 is run entirely from donations and has assisted many people to return to their
12 families after finding themselves homeless in our community.

13 16. I declare that from October 2016 to September 2020, Butte County
14 Department of Behavioral Health assigned one of its social workers to the Chico
15 Police Department's Target Team to perform outreach to Chico's unhoused
16 population and others in need. The social worker is now unavailable due to
17 budget cuts and staffing constraints.

18 17. As to the City's Anti-Camping Ordinance, it is my understanding that
19 enforcement by the Chico Police Department's Target Team centers inside the
20 City's park and waterways, not in other areas of the City of Chico. This
21 enforcement is area specific to the parks and waterways and is not a citywide ban
22 on camping.

23 18. Starting in January 2021, it's my understanding that the Target Team
24 re-instituted enforcement of the Anti-Camping Ordinance as to the designated
25 areas inside of the City parks and waterways only. Again, this was not a citywide
26 ban on camping.

27 19. After January 2021, it's my understanding that the Target Team
28 would contact unsheltered adults at the City parks where the campers were

1 verbally notified that they would need to move and vacate the park.

2 20. On or about January 12, 2021, it's my understanding that the Target
3 Team began enforcing the area specific Anti-Camping Ordinance through the
4 issuance of a 72-hour Notice, providing the campers 72-hours to vacate their
5 camps, while at the same time identifying 16 beds which were made available at
6 hotel rooms offered by the Torres Shelter.

7 21. It's my understanding that when the Target Team arrives at the
8 locations upon the expiration of the 72-hour Notice, the Target Team never
9 "cleared out" the unsheltered, but provided additional time to gather their personal
10 property and belongings.

11 22. It's my understanding that for those unsheltered campers who did not
12 vacate after the 72-hour warning, only four (4) individuals out of an
13 approximately two hundred (200) were cited for illegal encampment by the Target
14 Team. It's also my understanding that none of the Plaintiffs in this case were
15 issued citations or arrested.

16 23. When the Target Team does have contact with the unsheltered
17 campers, it's my understanding that Target Team members, do not recommend
18 that unhoused campers move or relocate to alternative locations including, other
19 locations within parks or other public land where unhoused people have
20 traditionally slept.

21 24. It's my understanding that the unhoused campers are directed to
22 relocate to public right of ways, including public sidewalks where under the City
23 of Chico's "Sit and Lie" Ordinance, the homeless can legally sit, lie down and
24 sleep without violating any City Ordinance from 11:00 p.m. to 7:00 a.m., at which
25 time they are required to leave.

26 25. It's my understanding that after the expiration of the 72-hour Notice,
27 campers are told that they can take all their personal property and personal
28 belongings with them when they vacate.

1 26. It's my understanding that members of the Target Team, inform the
2 campers that if they can't take all of their personal property when vacating, they
3 should place their personal property and belongings in one area and place all their
4 trash and unwanted items in another area.

5 27. It's my understanding that those articles that are identified as items to
6 be kept and not destroyed or thrown away, are placed in large storage bins, and
7 are driven to the Chico Police Department for safe keeping and storage. Any
8 items valued over \$100.00 are booked into Chico Police Department evidence in
9 compliance with Civil Code Section 2080.1.

10 28. It's my understanding that as to the items designated as trash or
11 unwanted items, those articles are disposed of by the City.

12 29. It's my understanding that no member of the Target Team threw
13 away the campers' personal property, belongings or bedding when having
14 campers vacate after the 72-hour Notice. The only items disposed of are
15 abandoned, contaminated, and infested property or those items designated to be
16 disposed of by the campers.

17 30. It's my understanding that at the time of the first enforcement, Torres
18 Shelter staff were present with the Target Team to offer services, including shelter
19 and storage bins, but only during the time the Torres Shelter was open for new
20 unsheltered individuals.

21 31. The Target Team and the City does not, as alleged, "methodically"
22 enforce its ordinance throughout the city. The enforcement is only for specific,
23 designated areas and is not a citywide ban on camping.

24 32. The Target Team does not enforce the ordinance during inclement
25 weather.

26 33. Additionally, the Target Team has partnered with Butte County
27 Mental Health to help during enforcement. The Target Team is a first point of
28 contact to inform the unsheltered about the amount and availability of beds at

Exhibit 1



Our Programs

Solely Serving Residents of Butte County

COVID-19 UPDATE: We are accepting new and returning guests who have a negative COVID-19 test. Please bring a copy of your negative test results with you to the shelter.

- New guests: Please arrive between 2 p.m. and 6 p.m. to check in.
- Returning guests: If you are seeking services and have stayed at the shelter before, please make an appointment with your case manager.

EMERGENCY SHELTER

The Torres Community Shelter is a free, non-faith based, nonprofit shelter that serves individuals 18 and older in Butte County. Every night, the Torres Shelter provides a warm meal, a hot shower and a safe place to sleep for up to 160 people experiencing homelessness.

However, we do more than just provide shelter. Each individual works closely with a case manager to develop a step-by-step housing action plan to address barriers and secure permanent housing.



Returning guests may return at any time during the day prior to 3 p.m. to check back in. Otherwise, check-in is between 4:30 p.m. and 6 p.m. nightly for returning guests. ***Please call and get prior approval for alternate check-in time.***

To make an appointment to meet with staff, please call between 10 a.m. and 2 p.m., Monday-Friday. Case managers, agency representatives and social workers from other service providers must call ahead to arrange for shelter entry on behalf of their clients.

BASIC RULES:

It is our highest priority to make the Torres Shelter a safe, clean and healthy place to stay.

- No drinking
- No drugs (unless prescribed)
- No violent behavior

SHELTER SERVICES:

Guest support services include and are not limited to:

- Emergency overnight shelter for adults





- Clothing vouchers from local thrift stores
- Telephone messaging service
- Laundry and mail service
- Referrals for: public benefits, mental health, legal assistance, employment, addiction, and medical and veterans' services.

BREAKFAST CLUB

Designed to be as much a work opportunity as it is a way to send our guests out for the day with a balanced meal, our Breakfast Club helps move people forward by providing transferable work skills so they can regain a stable income.

Guests who meet eligibility requirements for the work training program are then required to be safe-serve certified—taking the burden off of the new employer. Guests spend upwards of 30 hours preparing and serving breakfast, giving them a healthy dose of real-world experience.

The Community Action Agency of Butte County's North State Food Bank provides weekly donations of eggs, milk,



getting a job in the food service industry.

OTHER PROGRAMS

For more information about our Bridge Housing, Permanent Supportive Housing and Rapid Rehousing programs, go to [True North Housing Alliance](#).



Jerry and Kathy lost their housing due to a tragic house fire in 2017. For a month they sought shelter at the Torres Community Shelter. While working with their case manager, they were able to secure housing through the Rapid Rehousing program. A month later, Jerry and Kathy were at home again with their cat Sheba.



SHELTER

101 Silver Dollar Way
Chico, Ca 95928

(530) 891-9048

info@torresshelter.org

Updates

Sign up with your email address to receive news and updates.

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We respect your privacy.

1 Torres Shelter.

2 34. It is my understanding that the Target Team has not directed anyone
3 who is unsheltered from the City of Chico, to another unsheltered city or town.

4 35. The Target Team, in enforcing the ordinance, will make multiple
5 contacts with the unsheltered about upcoming enforcement and attempt to gain
6 voluntary compliance.

7 36. Based upon my knowledge and understanding as outlined above, I
8 can state that the City of Chico has made all reasonable attempts to provide the
9 unsheltered with access to adequate shelter facilities, even if the unsheltered, as I
10 understand, have chosen not to utilize these facilities.

11 I declare under penalty of perjury to the laws of the United States of
12 America that the foregoing is true and correct. Executed this 16th day of April
13 2021 at City of Chico, State of California.

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16 _____
17 Mark Orme
18 Declarant
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Eastern District of California by using the Court’s CM/ECF system on April 16, 2021.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/S/ Liza Slaughter
Liza Slaughter