

Orozco, Norma

From: Tim Johnson <tjohnson@jlkrlp.com>
Sent: Monday, September 20, 2021 4:16 PM
To: Hernandez, Johnathan; Sarmiento, Vicente; Penaloza, David; Mendoza, Nelida; Lopez, Jessie; Bacerra, Phil; Phan, Thai; eComment
Cc: Ridge, Kristine; Carvalho, Sonia R.; Funk, John
Subject: Closed Session Item 3E
Attachments: 158- Santa Ana Cross Complaint suing other OC Cities dtd 4.26.18.pdf; 246- SA ANA Orange Tustin Stip to extend response date to SA Suit dtd 7.....pdf; 232- SA ANA Orange Tustin Stip to extend response date to SA Suit dtd 5.....pdf; 4.25.18 SA Closed Session Minutes (incl Item 2A- Cross Complaint).pdf

Council (cc City Manager Ridge and City Attorneys Carvalho and Funk)...On Tuesday you will be discussing in closed session item 3E (cross complaint- Case No. SA CV 18-0155-DOC (KESx)). This item is where the City has a cross-complaint against the County with regards to the Catholic Worker Case. The purpose of this email is to:

1. Provide information to council members who may not have been around in April of 2018 when this case was initiated by the council (6-0, 1 absent).
2. Encourage the City to provide an update to the residents regarding the status of this case.
3. Encourage the City to actually abide by the closed session vote from April of 2018 where it was approved to sue the county and all the cities of the county (note only a select handful of cities were served and late dismissed while virtually all South County cities were never served).
4. Encourage the City to request that the County respond to the lawsuit.

Background

The timeline for these matters is as follows:

- April 25, 2018: During Closed Session, city council voted unanimously (6-0, 1 absent) to file a cross complaint against all cities in Orange County and the County of Orange over the impact of homelessness in our city of Santa Ana. See attached minutes from this meeting.
- April 26, 2018: The filing actually happened in federal court. See attached document #158.
- May 1, 2018: The County of Orange and the cities of Tustin, Anaheim, and Orange were served the lawsuit (no other cities including those in South County have been served). See attached document #232 indicating the service date of May 1, 2018.
- May 17, 2018: The cities of Santa Ana, Tustin, Anaheim, Orange and the County of Orange agree to a response date of July 23, 2018 for the defendants to respond to the Santa Ana cross-complaint. See attached document #232.
- July 11, 2018: The cities of Santa Ana, Tustin, Anaheim, Orange and the County of Orange agree to delay the response date indefinitely until such a time that the court issues an order that a responsive pleading must be filed. See attached document #246.
- Nov 2018: Tustin, Anaheim, and Orange are dismissed. Documents excluded for brevity.

As I have suggested in the past, I believe that the council is not staying true to what it voted on in April of 2018 when it chose, after public discussion, to sue the other cities in Orange County, and the county itself, over the impact of homelessness in our community of Santa Ana. Despite voting to proceed with litigation, the city decided only to serve 3 cities (Orange, Tustin, Anaheim) and the county. Subsequently, the cities have been released due to prior settlements in the Catholic Worker case and only the county remains as a defendant because other cities were not served. By not serving the other cities, I believe that the city is allowing South County cities to continue to do what they have been doing which is to continue to disproportionately impact our city with quality of life issues as well as fiscal obligations. It has been 40+ months since the city council voted to proceed with litigation yet no service of the suit on any South

County city has occurred. Further, there has not been a public update that I can remember on this case. The public should have confidence that when our council says something should happen, that it does happen.

Now, there may be a perfectly good reason for this lengthy delay. However, at least provide an update to the residents so we know that this has not been forgotten.

Request for Action

I ask that the city provide an update to the public on this item. There were multiple residents who spoke in favor of this item almost 3 ½ years ago- which for a closed session item, as you know, is not all that common. There are those on this council who were not even in public office at that time. Further, our own city legend, Peter Katz, spoke on this item encouraging action- he is just one voice, but one that always seemed to be relatively in touch with the community. The public deserves to hear an update. The newly elected councilmembers also deserve to hear residents voices on this item if there has been a change of direction by the council. Below is a picture of the applicable section of the minutes from that vote btw for your reference (in the attached also):

CLOSED SESSION ITEMS - The Brown Act permits legislative bodies to discuss certain matters without members of the public present. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following matters will prejudice the position of the City in existing and anticipated litigation:

1. CONFERENCE WITH LEGAL COUNSEL --EXISTING LITIGATION pursuant to paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code:
 - a. The Orange County Catholic Worker, et al. v City of Santa Ana, United States District Court for the Central District of CA (S.D.), Case No.: 8:17 – cv-01340
2. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION pursuant to paragraph (4) of subdivision (d) of Section 54956.9 of the Government Code: One Case – Potential Action Against Multiple parties.

City Council authorized staff to file a cross complaint against all cities in Orange County and the County of Orange over the impact of homelessness in the City of Santa Ana, by a 6-0 vote (Tinajero absent).

It is time for the council to follow through on its vote to sue or to have a public discussion in an open forum on its decision not to proceed. Part of filing a cross complaint it to actually serve the cities of Orange County which simply has not happened outside of the three cities who settled out of the litigation and quite honestly were likely the least of the concerned parties.

If it has been determined to not follow through on a prior vote by the city council, this should, even if not legally required, be done at the direction of the council through an agendized item allowing the public to comment on such item. Further, a vote should be had and announcement of such vote and action. If this agenda item is a vote to change the prior council direction, I urge you to reconsider, vote no, and/or provide the public an opportunity to know what you will be discussing so that appropriate public input may be given.

Additionally, we need the County to actually respond to the cross complaint. With the indefinite response timeline from July 2018, it is unfair to the residents to have to wait that long just to get a response from the lawsuit. Part of filing a cross complaint is following through with the litigation process. Allowing a delay of over 3 years for responding to the cross complaint is beyond a natural progression of this case it feels from a resident's perspective.

Further, it is time to actually serve the South County cities with the lawsuit. It was voted by the council in April of 2018, after public comments on this item, to initiate this litigation against the county and all other cities. It was not limited to the county, Anaheim, Tustin, and Orange. Without the city serving these cities, there is effectively no lawsuit against these cities. The time to serve the suit and request response is well past time, but it can be rectified by the city abiding by the closed session vote from April 25, 2018.

I know that each of you care for our city. I urge you to take action on this item per the above. I also further request that you work on creating true housing for our Santa Ana residents utilizing a Housing First approach. Work towards setting up our housing for homeless folks to operate more like an emergency room where shelter is just a quick day or two stop in progressing up through the housing spectrum. Thank you for considering this and representing the residents in each of your wards and the city as a whole.

Blessing to all,

Tim Johnson
Ward 3 Resident



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CITY OF SANTA ANA

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

ORANGE COUNTY CATHOLIC
WORKER, an unincorporated
association; Lisa Bell, Shawn Carroll,
Melissa Fields, Larry Ford, Cameron
Ralston, Kathy Schuler, Gloria
Shoemake, as individuals;

Plaintiffs,

v.

ORANGE COUNTY, the City of
Anaheim, the City of Costa Mesa, the
City of Orange, and the City of Santa
Ana,

Defendants.

Case No.: SA CV 18-0155-DOC
(JDE)

**CROSS-COMPLAINT BY CITY OF
SANTA ANA FOR CIVIL RIGHTS
VIOLATIONS (42 U.S.C. § 1983)**

**1. Eighth Amendment (Cruel &
Unusual Punishment)**

**2. Fourteenth Amendment (Equal
Protection)**

**3. Fourteenth Amendment (Due
Process)**

1 City of Santa Ana,

2 Cross-Claimant,

3 v.

4
5 County of Orange, City of Aliso Viejo,
6 City of Anaheim, City of Brea, City of
7 Buena Park, City of Costa Mesa, City of
8 Cypress, City of Dana Point, City of
9 Fountain Valley, City of Fullerton, City of
10 Garden Grove, City of Huntington Beach,
11 City of Irvine, City of La Habra, City of
12 La Palma, City of Laguna Beach, City of
13 Laguna Hills, City of Laguna Niguel, City
14 of Laguna Woods, City of Lake Forest,
15 City of Los Alamitos, City of Mission
16 Viejo, City of Newport Beach, City of
17 Orange, City of Placentia, City of Rancho
18 Santa Margarita, City of San Clemente,
19 City of San Juan Capistrano, City of Seal
20 Beach, City of Stanton, City of Tustin,
21 City of Villa Park, City of Westminster
22 and City of Yorba Linda,

23 Cross-Defendants.

24 For itself, and on behalf of its residents, Defendant and Cross-Claimant, City
25 of Santa Ana, a charter city and municipal corporation organized and existing under
26 the Constitution and laws of the State of California, alleges the following:

27 **INTRODUCTION**

28 1. Across Orange County, a social crisis has unfolded whereby the
number of individuals experiencing homelessness has skyrocketed to
unprecedented levels. In January 2017, the Orange County Continuum of Care

1 Point-in-Time Count and Survey found there were 4,792 homeless individuals in
2 Orange County, more than half of whom were unsheltered.

3 2. Many of these individuals struggle to meet the basic necessities of
4 life, including food, shelter, and health care. They often combat mental illness,
5 substance abuse issues, physical disabilities, or any combination of these
6 afflictions. A significant number are single women and veterans.

7 3. Social, mental health, and other services provided to homeless
8 individuals by the County of Orange and entities contracting with the County,
9 along with their funding levels, are woefully inadequate to address the instant and
10 ongoing crisis of homelessness.

11 4. The Orange County Board of Supervisors has publicly admitted that it
12 has failed to spend tens of millions of dollars available for homeless housing and
13 services for the homeless population in the County.

14 5. The number of homeless individuals living in Orange County rose
15 almost 8% from 2013 to 2017. (See, Exhibit "A".) Nowhere in the County was
16 there and is there, a greater concentration of homeless individuals than in the City
17 of Santa Ana.

18 6. Ultimately, Santa Ana seeks by this Cross-complaint, a fair and
19 equitable distribution of responsibilities for homeless services among the County
20 and all Orange County cities, as well as reimbursement and sustained funding by
21 the County for Santa Ana's decades long efforts to relieve homelessness in Orange
22 County. The recent actions of the County and Cross-Defendant cities show that
23 such a result is not likely to be voluntarily achieved.

24 **THE PARTIES**

25 7. Defendant and Cross-Claimant City of Santa Ana is and at all relevant
26 times has been a charter city and municipal corporation organized and existing
27 under the Constitution and laws of the State of California.
28

1 8. Cross-Defendant County of Orange is and at all relevant times has
2 been a political and geographical subdivision of the State of California having its
3 principal offices in the City of Santa Ana.

4 9. Cross-Defendant City of Aliso Viejo is and at all relevant times has
5 been a general law city operating under the general laws of the State of California.

6 10. Cross-Defendant City of Anaheim is and at all relevant times has been
7 a charter city and municipal corporation organized and existing under the
8 Constitution and laws of the State of California.

9 11. Cross-Defendant City of Brea is and at all relevant times has been a
10 general law city operating under the general laws of the State of California.

11 12. Cross-Defendant City of Buena Park is and at all relevant times has
12 been a charter city and municipal corporation organized and existing under the
13 Constitution and laws of the State of California.

14 13. Cross-Defendant City of Costa Mesa is and at all relevant times has
15 been a general law city operating under the general laws of the State of California.

16 14. Cross-Defendant City of Cypress is and at all relevant times has been a
17 charter city and municipal corporation organized and existing under the Constitution
18 and laws of the State of California.

19 15. Cross-Defendant City of Dana Point is and at all relevant times has
20 been a general law city operating under the general laws of the State of California.

21 16. Cross-Defendant City of Fountain Valley is and at all relevant times
22 has been a general law city operating under the general laws of the State of
23 California.

24 17. Cross-Defendant City of Fullerton is and at all relevant times has been
25 a general law city operating under the general laws of the State of California.

26 18. Cross-Defendant City of Garden Grove is and at all relevant times has
27 been a general law city operating under the general laws of the State of California.
28

1 19. Cross-Defendant City of Huntington Beach is and at all relevant times
2 has been a charter city and municipal corporation organized and existing under the
3 Constitution and laws of the State of California.

4 20. Cross-Defendant City of Irvine is and at all relevant times has been a
5 charter city and municipal corporation organized and existing under the Constitution
6 and laws of the State of California.

7 21. Cross-Defendant City of La Habra is and at all relevant times has been
8 a general law city operating under the general laws of the State of California.

9 22. Cross-Defendant City of La Palma is and at all relevant times has been
10 a general law city operating under the general laws of the State of California.

11 23. Cross-Defendant City of Laguna Beach is and at all relevant times has
12 been a general law city operating under the general laws of the State of California.

13 24. Cross-Defendant City of Laguna Hills is and at all relevant times has
14 been a general law city operating under the general laws of the State of California.

15 25. Cross-Defendant City of Laguna Niguel is and at all relevant times has
16 been a general law city operating under the general laws of the State of California.

17 26. Cross-Defendant City of Laguna Woods is and at all relevant times has
18 been a general law city operating under the general laws of the State of California.

19 27. Cross-Defendant City of Lake Forest is and at all relevant times has
20 been a general law city operating under the general laws of the State of California.

21 28. Cross-Defendant City of Los Alamitos is and at all relevant times has
22 been a charter city and municipal corporation organized and existing under the
23 Constitution and laws of the State of California.

24 29. Cross-Defendant City of Mission Viejo is and at all relevant times has
25 been a general law city operating under the general laws of the State of California.

26 30. Cross-Defendant City of Newport Beach is and at all relevant times has
27 been a charter city and municipal corporation organized and existing under the
28 Constitution and laws of the State of California.

1 31. Cross-Defendant City of Orange is and at all relevant times has been a
2 general law city operating under the general laws of the State of California.

3 32. Cross-Defendant City of Placentia is and at all relevant times has been
4 a charter city and municipal corporation organized and existing under the
5 Constitution and laws of the State of California.

6 33. Cross-Defendant City of Rancho Santa Margarita is and at all relevant
7 times has been a general law city operating under the general laws of the State of
8 California.

9 34. Cross-Defendant City of San Clemente is and at all relevant times has
10 been a general law city operating under the general laws of the State of California.

11 35. Cross-Defendant City of San Juan Capistrano is and at all relevant
12 times has been a general law city operating under the general laws of the State of
13 California.

14 36. Cross-Defendant City of Seal Beach is and at all relevant times has
15 been a charter city and municipal corporation organized and existing under the
16 Constitution and laws of the State of California.

17 37. Cross-Defendant City of Stanton is and at all relevant times has been a
18 charter city and municipal corporation organized and existing under the Constitution
19 and laws of the State of California.

20 38. Cross-Defendant City of Tustin is and at all relevant times has been a
21 general law city operating under the general laws of the State of California.

22 39. Cross-Defendant City of Villa Park is and at all relevant times has
23 been a general law city operating under the general laws of the State of California.

24 40. Cross-Defendant City of Westminster is and at all relevant times has
25 been a general law city operating under the general laws of the State of California.

26 41. Cross-Defendant City of Yorba Linda is and at all relevant times has
27 been a general law city operating under the general laws of the State of California.
28

1 Supervisor Do, Buena Park had the tenth highest number of unsheltered homeless
2 individuals in the County with a reported count of 70, or 15% of Santa Ana's total.

3 47. On March 31, 2018, a point-in-time count in Santa Ana revealed there
4 is at least 1,030 unsheltered individuals within city borders, 81% of whom are
5 chronically homeless (for one year or more). Combined with sheltered homeless,
6 the number of homeless individuals in Santa Ana rises to 1,617. Santa Ana's 2018
7 count total is more than double the 2017 Count as reported by Supervisor Do.
8 Santa Ana's Count established that 52% of the individuals counted came from
9 outside Santa Ana and identified 32 Santa Ana public schools located within 1,000
10 feet of a homeless encampment.

11 48. Santa Ana is home to a low-barrier emergency shelter, a winter shelter,
12 a home for homeless women and children, and a women's shelter. In total, Santa
13 Ana has over 700 shelter beds or approximately 70% of the shelter beds across
14 Orange County.

15 **IMPACTS ON SANTA ANA**

16 49. The impact of homeless related issues on Santa Ana has been
17 staggering. In 2017, Santa Ana estimates it spent approximately \$15 million
18 providing fire and police, security and other necessary services to address homeless
19 related issues in and around the Civic Center and Santa Ana.

20 50. Santa Ana estimates it will be compelled to spend over \$17 million in
21 2018 to address homeless issues at the expense of core services to Santa Ana
22 residents. This figure represents approximately 7% of Santa Ana's general fund
23 that pays for police and fire among other services.

24 51. Santa Ana's physical resources have been overwhelmed. Just until
25 very recently, over 200 homeless individuals lived in the Civic Center in tents and
26 other makeshift shelters. This encampment necessitated the leasing of temporary
27 bathroom facilities and created issues regarding the storage of personal property left
28 unattended in and around the Civic Center. The circumstances gave rise to the

1 near-constant law enforcement presence in the Civic Center. Santa Ana police
2 provided homeless outreach services and faced quality of life issues, a suicide
3 attempt, physical assaults, petty crimes, and investigating a homicide, among a
4 variety of other issues. City personnel also undertook extraordinary health and
5 safety measures, including the collection of abandoned, used, uncapped
6 hypodermic needles, disposal of human waste left in public areas, increased
7 maintenance services to confront excessive trash, and the implementation of weekly
8 power washing to minimize Hepatitis A and other health concerns – all at Santa
9 Ana's expense.

10 52. Homeless individuals are intentionally or unintentionally abandoned
11 within Santa Ana by various means. Some are transported for services to Santa
12 Ana and left without a plan for return transportation to the city of origin. Other
13 homeless individuals are brought to Santa Ana for shelter and essentially remain in
14 Santa Ana if that housing solution ends. For others, it is believed they are simply
15 transported to Santa Ana by neighboring agencies and ultimately abandoned.
16 Regardless of the intent as to how or why homeless individuals are brought to Santa
17 Ana, the impact is severe and burdens its residents.

18 53. Despite the wealth and considerable size of Orange County, the only
19 low barrier emergency shelter is found in Santa Ana. In fact, the County placed the
20 sole emergency shelter known as "The Courtyard" in Santa Ana and within
21 proximity of sensitive land uses such as nearby residences, several schools, and two
22 public libraries. The Courtyard provides shelter for upwards of 400 individuals on
23 a nightly basis irrespective of weather. The dramatic need for shelter is
24 exemplified by individuals camped on the sidewalk across the street from The
25 Courtyard when it closes its doors to individuals because of overcrowding. The
26 living conditions themselves in The Courtyard have come under severe criticism
27 due to overcrowding, exposure to the elements, and the lack of privacy for women.
28

1 54. Santa Ana has made multiple efforts to engage other Orange County
2 cities in developing solutions for addressing homelessness, but with little success.
3 In October 2016, Santa Ana reached out to the County's 33 other cities to hold a
4 meeting to discuss potential solutions. When the group finally met eight months
5 later on June 29, 2017, only 12 other Orange County cities sent representatives.

6 **PLAINTIFFS' ORIGINAL LITIGATION**

7 55. On January 29, 2018, Plaintiffs in these proceedings filed the
8 underlying civil rights action to halt the County's eviction of hundreds of homeless
9 individuals living in or near the Santa Ana Riverbed.

10 56. On or about February 4, 2018, the Court stayed the County's efforts
11 and later lifted that stay only after requiring the County to provide 30-day motel
12 vouchers for individuals relocated from the Riverbed and concurrent assessments of
13 those individuals to determine future shelter options and services.

14 57. Over 700 persons were relocated from the Riverbed, including single
15 women and veterans. Later, approximately 200 individuals from the Santa Ana
16 Civic Center were relocated.

17 58. As the motel stays for individuals were ending, the County faced
18 significant challenges in providing adequate services and shelter beds. The Court
19 has convened numerous hearings to resolve issues raised by Plaintiffs in this
20 process. However, there are continued and consistent new issues arising with
21 individuals who were removed from the Riverbed and placed in shelters or services
22 outside of Santa Ana or in Santa Ana, who are now living on the streets of Santa
23 Ana.

24 59. The Court has repeatedly implored the County and all Orange County
25 cities to identify both short- and long-term solutions to the homeless crisis,
26 including at the very least the placement of low-barrier emergency-type shelters.

27 60. The underlying litigation in these proceedings raised hopes of global
28 participation by the County and its cities in addressing homelessness, a solution

1 long sought by Santa Ana. However, those hopes were dealt a fatal blow once the
2 County, backed away from a plan to establish low barrier homeless shelters in three
3 cities.

4 **THE COUNTY'S ABORTED PLAN**

5 61. On March 17, 2018, federal district court Judge David O. Carter held a
6 status conference in the Santa Ana City Council Chambers. He invited the mayors
7 and city managers for all 34 cities in Orange County to attend. Judge Carter
8 specifically stated that homeless issues should be addressed by Orange County, a
9 place that was home to five of the twenty wealthiest cities in the entire nation. He
10 noted that Santa Ana was overburdened compared to other cities in the County with
11 not only the sheer number of homeless individuals, but also with the number of
12 services located in Santa Ana. By the end of the Status Conference, Supervisor Do
13 announced his laudable commitment to addressing homeless issues within the
14 County.

15 62. To this end, on March 19, 2018, the Orange County Board of
16 Supervisors voted to add up to 400 new emergency shelter beds on county-owned
17 properties in the cities of Irvine, Huntington Beach, and Laguna Niguel. This plan
18 would have located 200 homeless people in Irvine, then 100 in Huntington Beach
19 and 100 in Laguna Niguel, if needed. The County also voted to spend about \$70.5
20 million in unspent Mental Health Services Act funds for housing and services for
21 homeless people with mental illnesses.

22 63. Within one day of the County's approval, all three cities vigorously
23 opposed this plan and threatened to sue the County. The Huntington Beach and
24 Laguna Niguel city councils voted to sue the County. Irvine filed a lawsuit on March
25 26, 2018 against the County. These actions were taken despite the fact that
26 California law requires each city to zone for homeless shelters.

27 64. By March 27, 2018, the Board of Supervisors formally rescinded its
28 approval of the three-shelter plan.

1 65. On April 19, 2018, the South Orange County Mayors proposed
2 Silverado Elementary School, a rural county owned property, as a potential site for a
3 homeless shelter.

4 66. On April 24, 2018, the Board of Supervisors voted to reject the
5 Silverado Elementary School site proposal. As of the filing of this Cross-Complaint,
6 no Orange County city has provided a location for an emergency shelter.

7 **A WAY FORWARD**

8 67. Santa Ana seeks meaningful progress toward an equitable distribution
9 of homeless services, whether it be through resources or shelter throughout the
10 County. Cross-Defendants must work collaboratively to resolve the current
11 homeless crisis and to avert another. The communal goal must be a sustainable,
12 long-term plan that is both city-specific and regional in nature. There must be a
13 basic willingness to seriously consider, or at least not oppose, the provision of low
14 barrier shelters and permanent supportive housing by Cross-Defendants as well as
15 the provision of social services by city representatives or third parties, all in a
16 dignified and humane manner.

17 **FIRST CAUSE OF ACTION**

18 **Violation of Eighth Amendment (42 U.S.C. § 1983)**

19 **(Against All Cross-Defendants)**

20 68. Defendant and Cross-Complainant City of Santa Ana incorporates by
21 reference and realleges Paragraphs 1 through 67 as if fully set forth herein.

22 69. Cross-Defendant cities have either opposed, refused, or rejected the
23 siting of homeless shelters and services in their jurisdictions. Santa Ana has the
24 densest concentration of homeless individuals in the County. Despite state
25 requirements for each city to provide housing for homeless individuals, Cross-
26 Defendant cities have made insubstantial progress or failed to do so entirely.

27

28

1 70. Cross-Defendant County has established homeless services almost
2 exclusively in Santa Ana, thereby further contributing to the dense concentration of
3 homeless individuals therein.

4 71. Cross-Defendant County has failed to spend in excess of \$200 million
5 it has available for the provision of services to mitigate homelessness in Orange
6 County. It has also failed to account for the interest earned on these monies.

7 72. As a direct and proximate result of Cross-Defendants' acts and
8 omissions, Santa Ana has been compelled to spend millions of dollars from its
9 general fund budget to address a myriad of health and safety concerns attributable
10 to Santa Ana's homeless population, including until just recently the over 200
11 unsheltered individuals living in the Santa Ana Civic Center. Santa Ana residents
12 have faced: homeless encampments, the possibility of a Hepatitis A outbreak, the
13 threat of or actual physical and verbal assault, exposure to public defecation and
14 public urination, carelessly discarded, uncapped, used hypodermic needles, and
15 excessive trash in the Civic Center and around Santa Ana.

16 73. Santa Ana would otherwise have spent these funds on the provision of
17 core services to its residents but has been forced to divert such funds to provide
18 homeless-related services, resulting in a deprivation of critical services that could
19 potentially positively affect the quality of life of its residents.

20 74. The foregoing acts and omissions of Cross-Defendants have caused
21 this deprivation of core services and quality of life by necessitating the expenditure
22 of Santa Ana funds on services related to homelessness. Residents of Santa Ana
23 are entitled to these services and by this deprivation, they have been subjected to
24 cruel and unusual punishment in violation of the Eighth Amendment to the United
25 States Constitution.

26 ///

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1 84. This interest has been severely compromised by Santa Ana's need to
2 devote substantial monetary and human resources to managing and relieving the
3 acute homelessness crisis within its borders. The diversion of such resources has
4 been to the detriment of Santa Ana residents.

5 85. This crisis has been precipitated and exacerbated by the foregoing
6 actions and omissions of Cross-Defendants, thereby depriving Santa Ana of its
7 liberty interest without due process of law in violation of the Fourteenth
8 Amendment of the United States Constitution, and detrimentally affecting its
9 residents.

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PRAYER FOR RELIEF

WHEREFORE, Defendant and Cross-Claimant City of Santa Ana prays for the following:

1. As against Cross-Defendant County, monetary damages according to proof as reimbursement for the costs spent on homeless resources and necessary related services;

2. As against Cross-Defendant County, monetary damages according to proof for funding the continued provision of homeless resources and necessary related services;

3. As against all Cross-Defendants, declaratory judgment that Cross-Defendants and each of them have denied Santa Ana's rights under the Eighth and Fourteenth Amendments as alleged herein;

4. As against all Cross-Defendants, an order requiring Cross-Defendants and each of them to establish city-specific and regional solutions to homeless issues or comply with state law as required;

5. As against all Cross-Defendants, reasonable attorney's fees;

6. As against all Cross-Defendants, costs of suit; and

7. Such further relief as the Court may deem just and proper.

CITY OF SANTA ANA

Dated: April 26, 2018

By:


SANDRA M. SCHWARZMANN
Senior Assistant City Attorney

EXHIBIT "A"



ORANGE COUNTY

POINT IN TIME COUNT 2017

Orange County's Point in Time (PIT) count occurred on January 28th, 2017. The PIT count is a biennial tally of people without a home on a particular night. We count because we want to understand homelessness in our community in order to end it. This PIT count provides vital information that guides and shapes the way we approach and solve homelessness in Orange County. This information is provided to the federal Department of Housing and Urban Development (HUD) and informs the amount and type of resources Orange County receives to help end homelessness.

4,792 TOTAL

UNSHELTERED



2,584

SHELTERED



EMERGENCY
SHELTER

1,248

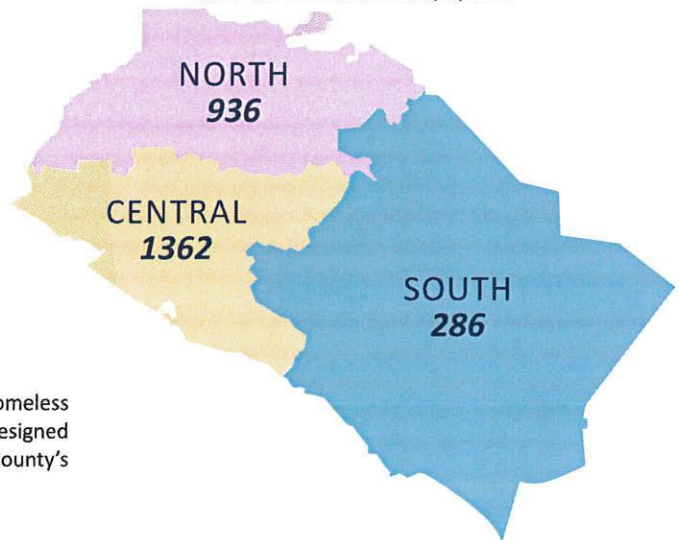


TRANSITIONAL
SHELTER

960

SERVICE PLANNING AREA MAP

Orange County is divided into three Service Planning Areas (SPAs) that efficiently direct resources as individuals experiencing homelessness enter the Coordinated Entry System.



CONTINUUM OF CARE

A Continuum of Care (CoC) is an integrated system of care that guides homeless individuals & families through a comprehensive array of services and housing designed to prevent and end homelessness. The County of Orange is the lead for Orange County's CoC, which funds 14 nonprofits across the OC CoC.

SUMMARY OF KEY FINDINGS

	2013		2015		2017	
Unsheltered Homeless People		1,678		2,201		2,584
Sheltered Homeless People		2,573		2,251		2,208
Emergency Shelter	1,145		925		1,248	
Transitional Shelter	1,428		1,326		960	
Total PIT Count #	4,251		4,452		4,792	
Change Year to Year			+ 4.73% (201)		+ 7.6% (340)	

In conjunction with 2-1-1 Orange County, the OC Commission to End Homelessness convened an ad hoc committee to provide guidance on the 2017 PIT count project. The ad hoc committee's direction included a public places count with sampling methodology. This methodology was also used for the 2013 and 2015 PIT counts. During the 2017 PIT count, 86 additional maps were counted and surveyed for a total of 270 maps in comparison to 184 maps in the 2015 PIT count. Reductions in transitional shelter beds is reflective of national HUD funding priorities. Increase in emergency shelter beds is a result of The Courtyard, a County investment.

Reallocation of resources to permanent housing are not reflected in the count results.



2017 PIT COUNT BY THE NUMBERS



1,184 homeless service providers and community volunteers

270 pre-identified map areas

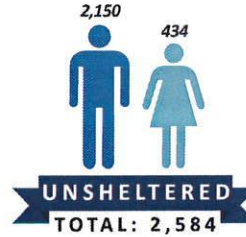
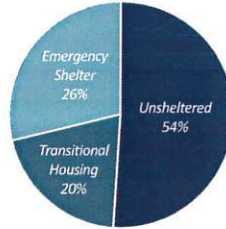


20 of the 34 Orange County cities opted in to receive city level reports



HOMELESSNESS IN ORANGE COUNTY

2017 Point-In-Time Count

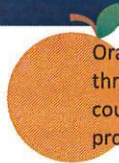


357

UNSHeltered
VETERANS



BUILDING A SYSTEM OF CARE IN OC



Orange County is the third largest county in California, and sixth largest in the nation with a population of more than three million people. Despite our affluent reputation, we have residents who have needs you might not expect. Like many counties across the nation, we have people experiencing homelessness. The County of Orange is working diligently to provide funding and resources for this vulnerable population. Here is a look at what we've done in the last year.

SHELTER

The Board of Supervisors has committed more than
\$23.5 MILLION
to providing multiple shelter options that meet a variety of needs.



KRAEMER CENTER (North Anaheim)

County's first year-round emergency shelter and multi-service center with on-site programs. 100 beds in phase one opening Spring 2017, 100 additional beds in phase two anticipated in late 2018.



THE COURTYARD (Santa Ana Civic Center)

Day service center and low barrier, low threshold safe sleep shelter.



ARMORIES (Santa Ana and Fullerton)

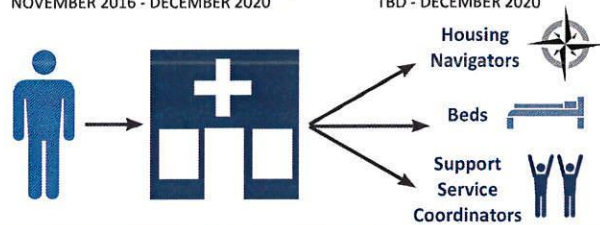
Overnight cold-weather emergency shelter providing 400 beds from December to April.

WHOLE PERSON CARE INITIATIVE

The Whole Person Care Initiative will target services to those that are experiencing homelessness and are high utilizers of emergency rooms.

\$23.5 MILLION
PHASE ONE
NOVEMBER 2016 - DECEMBER 2020

\$9.6 MILLION
PHASE TWO
TBD - DECEMBER 2020



CRISIS STABILIZATION UNITS

\$23.9 MILLION



In funding from the County has increased the number of beds available for people in a psychiatric crisis, allowing individuals to receive immediate psychiatric care as opposed to going to the emergency room.

PERMANENT SUPPORTIVE HOUSING

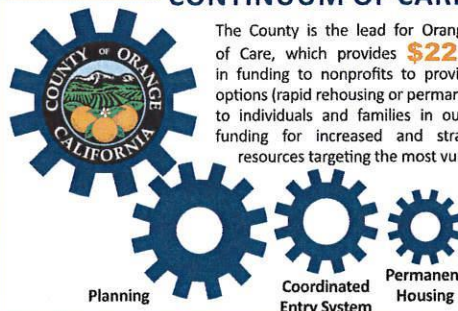
**\$8 MILLION
AVAILABLE**

The Board approved issuance of the 2016 Permanent Supportive Housing Notice of Funding Availability to provide up to \$8 million for the acquisition, new construction and acquisition/rehabilitation of permanent supportive housing for Orange County's extremely low-income households that are homeless.



CONTINUUM OF CARE

The County is the lead for Orange County's Continuum of Care, which provides **\$22.3 MILLION** in funding to nonprofits to provide permanent housing options (rapid rehousing or permanent supportive housing) to individuals and families in our community. Provides funding for increased and strategic coordination of resources targeting the most vulnerable populations.



RESTAURANT MEALS PROGRAM

\$250K PER YEAR



The Board approved the Restaurant Meals Program that will enable CalFresh recipients who are homeless, disabled and/or elderly to purchase meals from participating restaurants with their CalFresh benefits. It is intended to increase food access for those who do not have a place to store or cook food, may not be able to prepare food or lack access to a grocery store.

EMERGENCY SOLUTIONS GRANTS

\$1.1 MILLION

The Board approves local nonprofits to receive state grant funding to provide emergency shelter and rapid rehousing services to individuals and families in the community.



EXHIBIT “B”

% sum total percentage point deviation of place from Orange County

rank of place out of 40 by %

¹non-Hispanic ²excluding black and Asian Hispanics

- [Hispanic](#)
 - [White](#)
 - [Hispanic](#)
 - [Black](#)
 - [Asian](#)
 - [Mixed](#)
 - [Other](#)

Hispanic¹ Population by Place#22

Percentage of the total population.

Scope: population of Orange County, selected places in Orange County, and entities that contain Orange County

Count: 2500

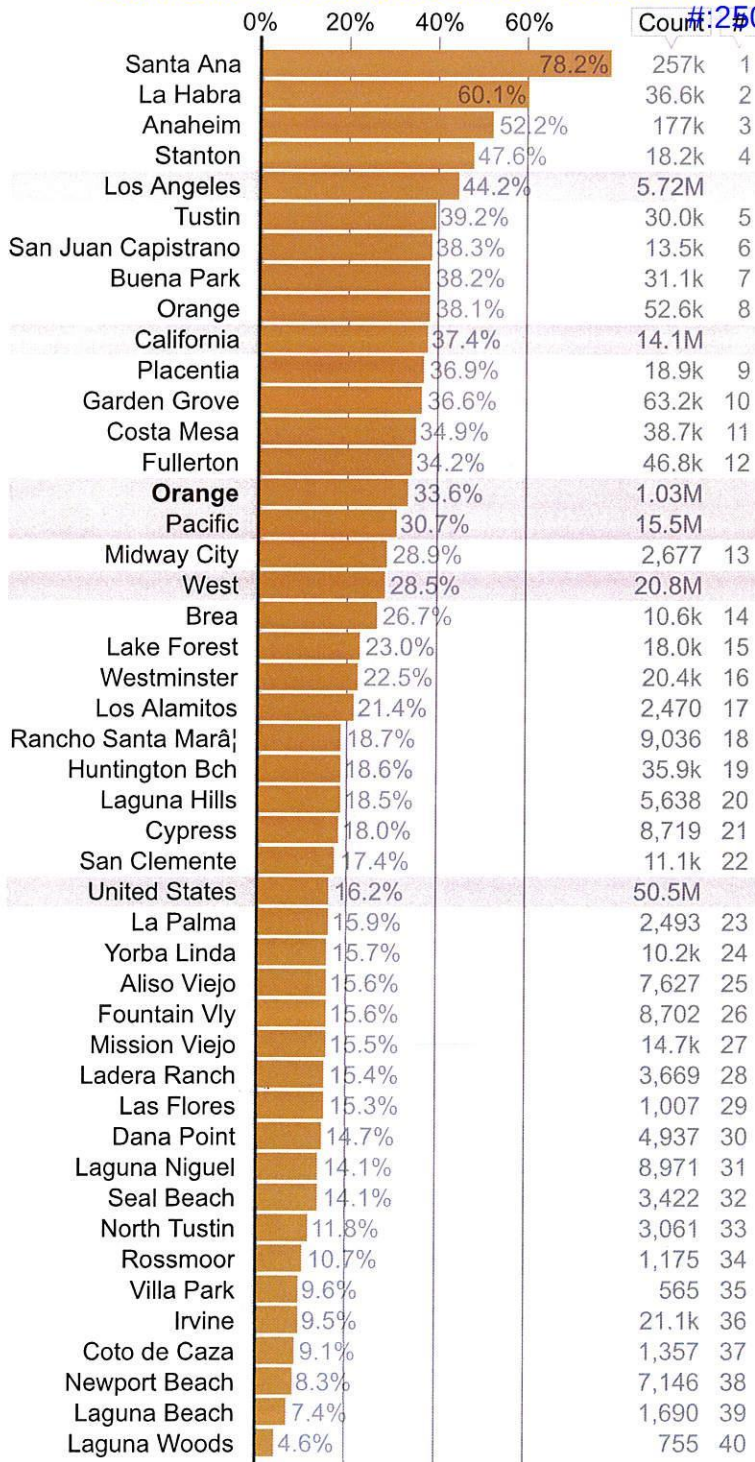


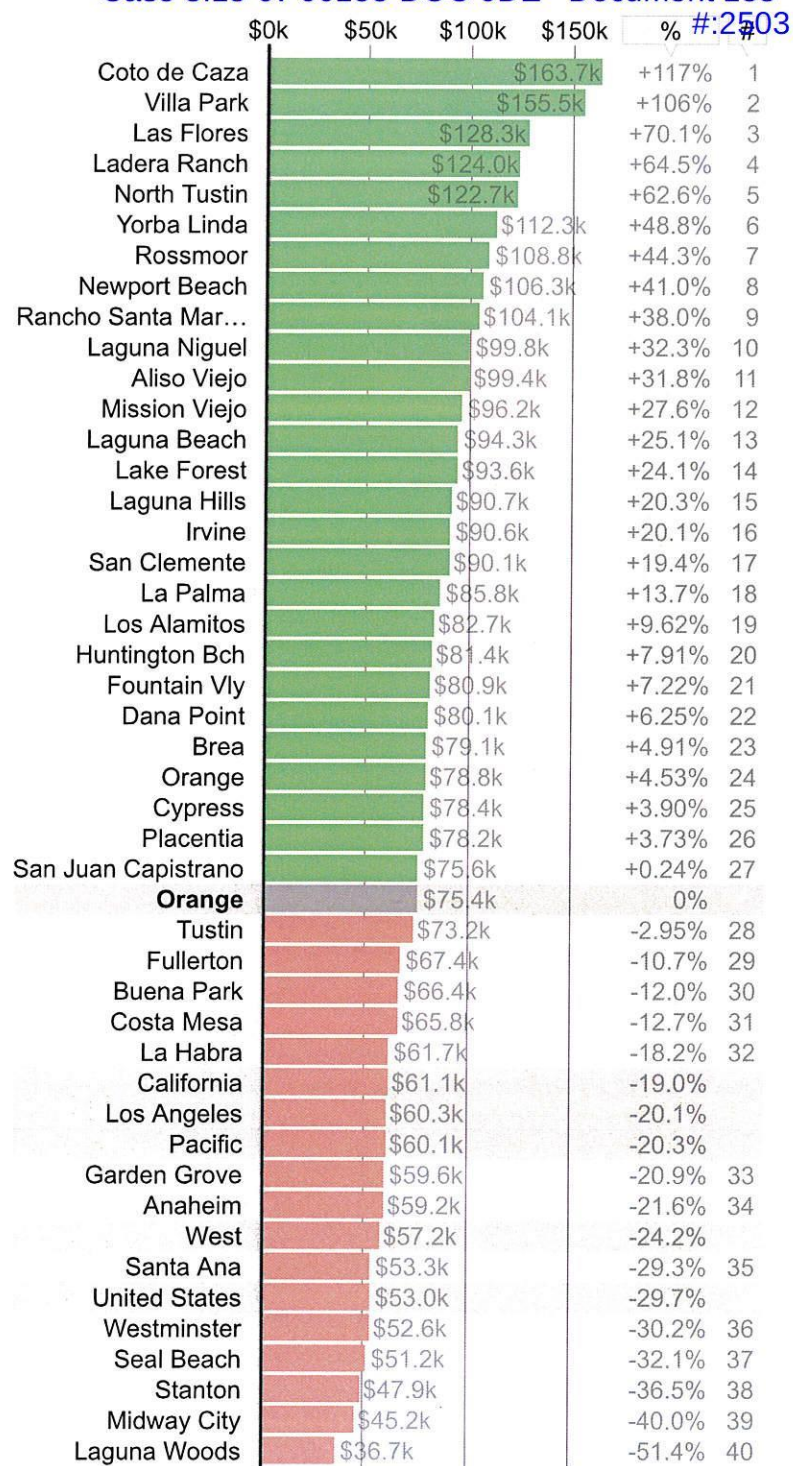
EXHIBIT “C”

Household Income by Place in Orange County

There are 40 places in Orange County. This section compares all 40 of those to each other, Orange County, and other entities that contain or substantially overlap with Orange County.

Median Household Income by Place#20

Scope: households in Orange County, selected places in Orange County, and entities that contain Orange County

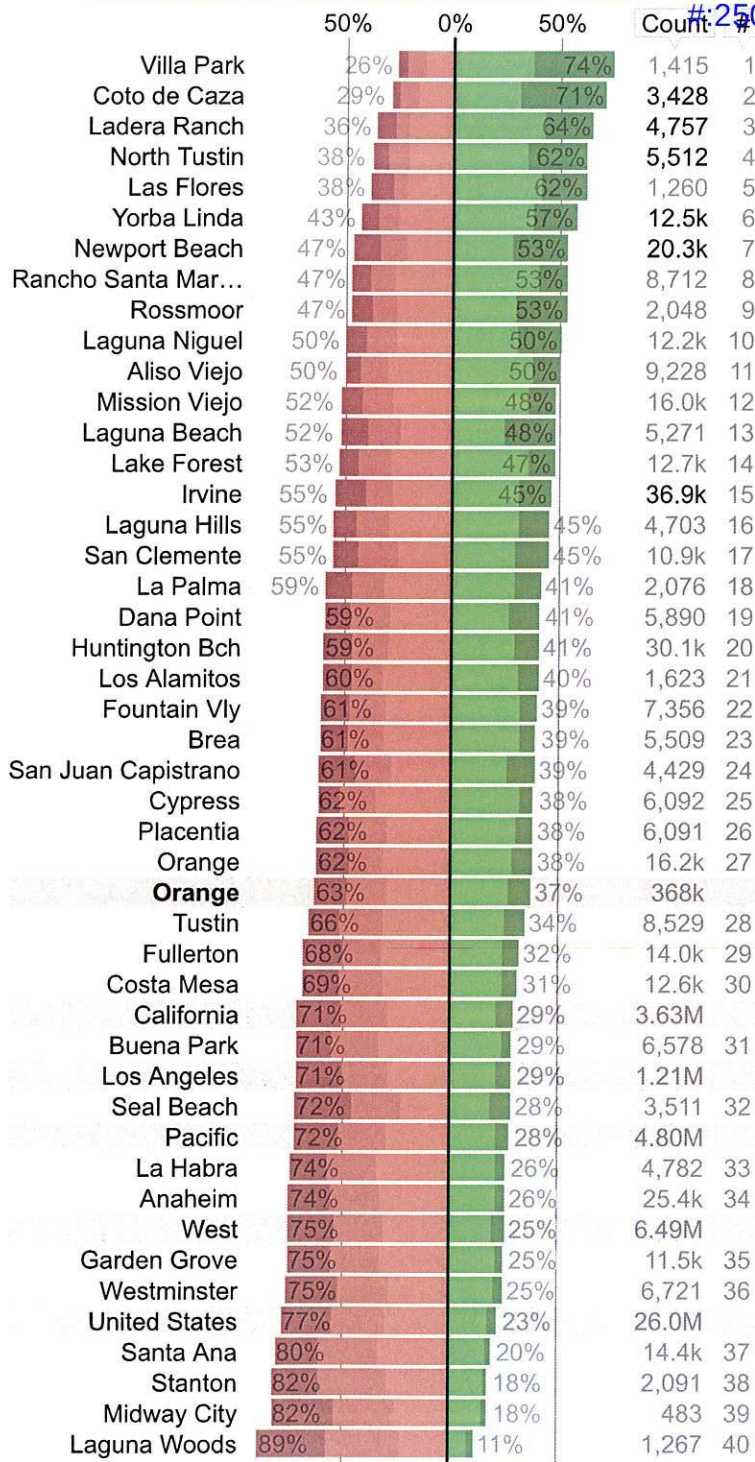


% percentage above or below median household income of
Orange County
rank of place out of 40 by median household income

Six-Figure Incomes by Place#21

Percentage of households with incomes above \$100k.
Scope: households in Orange County, selected places in
Orange County, and entities that contain Orange County
< \$25k \$25-50k \$50-100k
\$100-200k \$200k+

#2505



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wwinthers@cityoforange.org
2 RYAN E. LUMM, ASSIST. CITY ATTY. #286564
rlumm@cityoforange.org
3 CITY OF ORANGE
300 East Chapman Avenue
4 Orange, California 92866
(714) 744-5580

5 Attorneys for Defendant and Cross-Defendant
6 CITY OF ORANGE

7
8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION
11

12 ORANGE COUNTY CATHOLIC
13 WORKER, an unincorporated
association; Lisa Bell, Shawn Carroll,
14 Melissa Fields, Larry Ford, Cameron
15 Ralston, Kathy Schuler, Gloria
16 Shoemake, as individuals;

17 Plaintiffs,

18 v.

19 ORANGE COUNTY, the City of
20 Anaheim, the City of Costa Mesa, the
21 City of Orange, and the City of Santa
22 Ana,

23 Defendants.
24
25
26
27
28

) Case No.: SACV 18-00155-DOC-JDE

) Hon. David O. Carter

) **STIPULATION TO EXTEND TIME**
) **TO RESPOND TO CROSS**
) **COMPLAINT FILED BY CITY OF**
) **SANTA ANA**

) **Cross Complaint served: May 1,**
) **2018**

) **Current response due: July 23, 2018**

) **Indefinite per Court Order**

City of Santa Ana,

Cross-Claimant,

v.

County of Orange, City of Aliso Viejo,
City of Anaheim, City of Brea, City of
Buena Park, City of Costa Mesa, City of
Cypress, City of Dana Point, City of
Fountain Valley, City of Fullerton, City of
Garden Grove, City of Huntington Beach,
City of Irvine, City of La Habra, City of
La Palma, City of Laguna Beach, City of
Laguna Hills, City of Laguna Niguel, City
of Laguna Woods, City of Lake Forest,
City of Los Alamitos, City of Mission
Viejo, City of Newport Beach, City of
Orange, City of Placentia, City of Rancho
Santa Margarita, City of San Clemente,
City of San Juan Capistrano, City of Seal
Beach, City of Stanton, City of Tustin,
City of Villa Park, City of Westminster
and City of Yorba Linda,

Cross-Defendants.

WHEREAS, Defendant and Cross-Claimant City of Santa Ana (“City”) filed a Cross Complaint within the above-captioned action on April 26, 2018;

WHEREAS, the City served its Summons and Cross Complaint on Cross-Defendants County of Orange, City of Anaheim, City of Orange, and City of Tustin (“Cross-Defendants”) on May 1, 2018;

WHEREAS, the Court has previously granted Cross-Defendants a 60-day extension to respond to City’s Cross-Complaint to July 23, 2018; and

1 WHEREAS, the parties have agreed to an open-ended extension to file a
2 responsive pleading to follow the Court's open-ended extension for filing responsive
3 pleadings to the underlying complaint and the Court tentatively stated its agreement
4 at our last court appearance.

5 NOW, THEREFORE, by and through their respective counsel, the parties
6 hereby stipulate and agree, subject to approval by the Court, that Cross-Defendants'
7 time to file a responsive pleading be extended indefinitely, until the court issues an
8 order that responsive pleadings must be filed.

9
10 IT IS SO STIPULATED.

11
12 CITY OF SANTA ANA

13
14 Dated: July 11, 2018

15 By: John M. Funk
16 John M. Funk
Assistant City Attorney

17 THEODORA ORINGHER PC

18
19 Dated: July ____, 2018

20 By: _____
Kevin N. Royer
Attorneys for County of Orange

21
22 CITY OF ANAHEIM

23
24 Dated: July ____, 2018

25 By: _____
Gregg M. Audet
Deputy City Attorney

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22 Attorneys for County of Orange

23 CITY OF ANAHEIM

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25 By: _____
26 Gregg M. Audet
27 Deputy City Attorney
28

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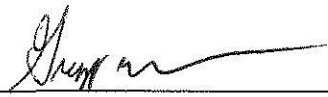
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21 Kevin N. Royer
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23 CITY OF ANAHEIM


24 Dated: July 11, 2018

25 By:  _____
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CITY OF ORANGE

Dated: July 11, 2018

By: 
Wayne W. Winthers
City Attorney

WOODRUFF, SPRADLIN & SMART

Dated: July 11, 2018

By: 
David E. Kendig
Attorneys for City of Tustin

SANDRA M. SCHWARZMANN (SBN 188793)
SENIOR ASSISTANT CITY ATTORNEY
JOHN M. FUNK (204605)
ASSISTANT CITY ATTORNEY
CITY OF SANTA ANA
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P.O. BOX 1988
SANTA ANA, CALIFORNIA 92702
TELEPHONE: (714) 647-5201
FACSIMILE: (714) 647-6515
EMAIL: sschwarzmann@santa-ana.org
EMAIL: jfunk@santa-ana.org

Attorneys for Defendant and Cross-Claimant
CITY OF SANTA ANA

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

ORANGE COUNTY CATHOLIC
WORKER, an unincorporated
association; Lisa Bell, Shawn Carroll,
Melissa Fields, Larry Ford, Cameron
Ralston, Kathy Schuler, Gloria
Shoemake, as individuals;

Plaintiffs,

v.

ORANGE COUNTY, the City of
Anaheim, the City of Costa Mesa, the
City of Orange, and the City of Santa
Ana,

Defendants.

Case No.: SACV 18-00155-DOC-JDE

Hon. David O. Carter

**STIPULATION TO EXTEND TIME
TO RESPOND TO CROSS
COMPLAINT FILED BY CITY OF
SANTA ANA**

**Cross Complaint served: May 1,
2018**

Current response due: May 22, 2018

New response date: July 23, 2018

1 City of Santa Ana,

2 Cross-Claimant,

3 v.

4
5 County of Orange, City of Aliso Viejo,
6 City of Anaheim, City of Brea, City of
7 Buena Park, City of Costa Mesa, City of
8 Cypress, City of Dana Point, City of
9 Fountain Valley, City of Fullerton, City of
10 Garden Grove, City of Huntington Beach,
11 City of Irvine, City of La Habra, City of
12 La Palma, City of Laguna Beach, City of
13 Laguna Hills, City of Laguna Niguel, City
14 of Laguna Woods, City of Lake Forest,
15 City of Los Alamitos, City of Mission
16 Viejo, City of Newport Beach, City of
17 Orange, City of Placentia, City of Rancho
18 Santa Margarita, City of San Clemente,
19 City of San Juan Capistrano, City of Seal
20 Beach, City of Stanton, City of Tustin,
21 City of Villa Park, City of Westminster
22 and City of Yorba Linda,

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25 a Cross Complaint within the above-captioned action on April 26, 2018;

26 WHEREAS, the City served its Summons and Cross Complaint on Cross-
27 Defendants County of Orange, City of Anaheim, City of Orange, and City of Tustin
28 ("Cross-Defendants") on May 1, 2018;

WHEREAS, Cross-Defendants are required to file their answer and/or
respond to City's Cross Complaint by May 22, 2018, or twenty-one days following
service of the Summons and Cross Complaint; and

1 WHEREAS, the parties have agreed to a sixty-day extension in light of the
2 importance of the issues to be raised.

3 NOW, THEREFORE, by and through their respective counsel, the parties
4 hereby stipulate and agree, subject to approval by the Court, that Cross-Defendants'
5 answer and/or response to the City's Cross Complaint shall be due on July 23, 2018.

6
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8
9 CITY OF SANTA ANA

10
11 Dated: May 17, 2018

12 By: John M. Funk
13 John M. Funk
14 Assistant City Attorney

15 THEODORA ORINGHER PC

16 Dated: May ____, 2018

17 By: _____
18 Kevin N. Royer
19 Attorneys for County of Orange

20 CITY OF ANAHEIM

21 Dated: May 17, 2018

22 By: Gregg M. Audet
23 Gregg M. Audet
24 Deputy City Attorney

25 CITY OF ORANGE

26 Dated: May 17, 2018

27 By: Wayne W. Winthers
28 Wayne W. Winthers
City Attorney

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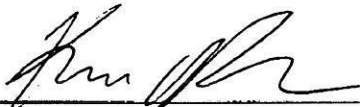
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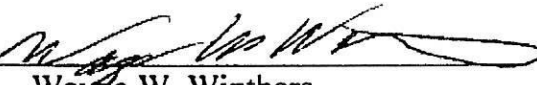
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26 CITY OF ORANGE


27 Dated: May 17, 2018

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Wayne W. Winthers
City Attorney

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WOODRUFF, SPRADLIN & SMART

Dated: May 17, 2018

By: 
David E. Kendig
Attorneys for City of Tustin

**MINUTES OF THE SPECIAL CLOSED SESSION MEETING
OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA, CALIFORNIA**

APRIL 25, 2018

CLOSED SESSION MEETING

CALLED TO ORDER

COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
4:25 P.M.

ATTENDANCE

COUNCILMEMBERS Present:
MIGUEL A. PULIDO, Mayor
MICHELE MARTINEZ, Mayor Pro Tem (6:03 P.M.)*
P. DAVID BENAVIDES
VICENTE SARMIENTO (5:55 P.M.)
JOSE SOLORIO
JUAN VILLEGAS

COUNCILMEMBERS Absent:
SAL TINAJERO

STAFF Present:
RAUL GODINEZ, II, City Manager
SONIA R. CARVALHO, City Attorney
MARIA D. HUIZAR, Clerk of the Council

Quorum was established thru presence of Mayor Pulido, Councilmembers Benavides, Solorio and Villegas.

***TELECONFERENCE:** Pursuant to Government Code Section 54953(b), Mayor Pro Tem Martinez participated in a portion of the meeting via teleconference from Andaz Watt Street Hotel, 75 Wall St., New York, NY 10005. The Agenda for said meeting was posted at said location as required by the Brown Act.

PUBLIC COMMENTS -

- Peter A. Katz, encouraged City Council to pursue lawsuit to allow Judge Carter to expand jurisdiction over all 34 cities; expressed the importance of all cities finding space in their respective cities and provide full Wraparound services.

- Abigail Aleman, cited article from the O. C. Register, regarding homeless services and the Sober Living homes that are operating illegally.
- Tim Johnson, thanked City Council for vote at last month's meeting, implored Council to expand lawsuit to include all cities; and requested that Council define proportionality as expressed by Judge Carter.
- Vincent Pham, attended meeting with son and encouraged council to unite all cities and fine a resolution to the homeless issue. Expressed that the City is in a state of crisis and an opportunity to make a change exists.

RECESSED AT 6:01 P.M. TO ROOM 147.

CLOSED SESSION ITEMS - The Brown Act permits legislative bodies to discuss certain matters without members of the public present. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following matters will prejudice the position of the City in existing and anticipated litigation:

1. CONFERENCE WITH LEGAL COUNSEL --EXISTING LITIGATION pursuant to paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code:
 - a. The Orange County Catholic Worker, et al. v City of Santa Ana, United States District Court for the Central District of CA (S.D.), Case No.: 8:17 – cv-01340
2. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION pursuant to paragraph (4) of subdivision (d) of Section 54956.9 of the Government Code: One Case – Potential Action Against Multiple parties.

City Council authorized staff to file a cross complaint against all cities in Orange County and the County of Orange over the impact of homelessness in the City of Santa Ana, by a 6-0 vote (Tinajero absent).

CLOSED SESSION REPORT - The City Attorney reported out on Item 2 of said Closed Session Meeting.

ADJOURNED - 6:33 P.M.


 Maria D. Huizar,
 Clerk of the Council