

Staff Report 41

PARTY:

California State Lands Commission (Commission)

PROPOSED ACTION:

Authorize the Executive Officer or her designee to obtain quotes, negotiate fair and reasonable prices, and award and execute an agreement(s) through the appropriate procurement approach to perform site clean-up activities near the city of Stockton, San Joaquin County, pursuant to the requirements of the Public Contract Code and current State policies and procedures.

STAFF ANALYSIS AND RECOMMENDATION:

The State continues to experience a humanitarian crisis of people experiencing homelessness. It is exacerbated by the ongoing lack of affordable housing, inflation, and other socio-economic factors. While the administration has recently taken steps to address homelessness, such as providing temporary housing programs, the issue persists. Many people experiencing homelessness seek shelter on open, undeveloped land near areas that provide anonymity and opportunities to obtain work, food, or other essentials. One such location is on State-owned land under the Commission's jurisdiction in the northwestern part of the city of Stockton. The site is located along the west side of Trinity Parkway at Bear Creek. Over the past few years, people experiencing homelessness have created several encampments, on and around the State-owned land, which has led to the accumulation of considerable amounts of trash and debris around the encampments. Commission staff have been coordinating with City and County officials, as well as nearby residents and businesses in efforts to address the issues posed by the encampments. To address immediate issues of public health and safety, water quality, and environmental degradation, Commission staff proposes a clean-up of the trash and debris on the site. Through the efforts of the County's Homeless Outreach Coordinator, Commission staff was able to receive cost estimates to clean up encampments at the site. The work will entail the contractors using small, mechanized equipment (tractor, utility vehicle with trailer, etc.) to place trash and debris, including old shopping carts, tires, propane tanks, into

dumpsters and removing them from the site. It is anticipated that the removal activities may take up to 10 days each for the two primary encampments. Staff may phase the removal of the two encampments. Staff is now requesting the authority for the Executive Officer to contract for the proposed site clean-up. Staff will continue its discussions with all parties to seek longer term solutions.

AUTHORITY:

Public Resources Code sections 6005, 6106 and 6216; Government Code sections 14838.5 and 19130; Public Contract Code section 10335 et seq.; State Contracting Manual, vol. 1 5.80, subd. (A)(9) (rev. 04/22)

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The encampments for those experiencing homelessness are located in a natural setting along the Bear Creek waterway. The accumulation of trash and debris poses a threat to the water quality of Bear Creek, wildlife, the natural setting, and public health and safety for the occupants and the nearby residents and businesses. While removal of the trash and debris does not solve the larger issues of homelessness, it does address the current impacts to the Public Trust resources in the area. Further, the Commission's efforts to collaborate with local agencies, nearby residents and businesses, and other stakeholders signal its willingness to hear their viewpoints and seek solutions, even if they are near term, on these important issues affecting both the State and the nation.

CONCLUSION:

For the reasons stated above, staff believes the proposed action to contract for site clean-up activities in the city of Stockton, San Joaquin County, is consistent with the common law Public Trust Doctrine and is in the State's best interests.

OTHER PERTINENT INFORMATION:

1. Authorization to obtain quotes, negotiate fair and reasonable prices, and award and execute an agreement(s) are not projects as defined by the California Environmental Quality Act (CEQA) because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

2. Staff recommends that the Commission find that the site cleanup activities are exempt from the requirements of CEQA as a categorically exempt project. The

project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300.

3. The proposed site cleanup in coordination with local public agencies and stakeholders is consistent with the "Meeting Evolving Public Trust Needs," "Prioritizing Social, Economic, and Environmental Justice" and "Committing to Collaborative Leadership" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.

RECOMMENDED ACTION:

It is recommended that the Commission:

1. Find that this limited cleanup endeavor is of such an urgent, temporary, occasional nature that the delay incumbent in their implementation under civil service would frustrate their very purpose.
2. Find that it is in the best interests of the state to seek and procure cleanup services from a qualified company to address health and safety concerns on State-owned land in San Joaquin County.

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

AUTHORIZATION:

Authorize the Executive Officer or her designee to obtain quotes, negotiate fair and reasonable prices, and award and execute an agreement(s) through the appropriate procurement approach to perform site clean-up activities near the city of Stockton, San Joaquin County, pursuant to the requirements of the Public Contract Code and current State policies and procedures.