

PROCLAMATION NO. 2024-03

A PROCLAMATION OF THE DIRECTOR OF EMERGENCY SERVICES DECLARING A LOCAL EMERGENCY PURSUANT TO CHAPTER 7 OF THE ESCONDIDO MUNICIPAL CODE

WHEREAS, City of Escondido Municipal Code Chapter 7, and specifically Section 7-6(a)(1), empowers the City Manager, in his role as the Director of Emergency Services (“Director”), to proclaim the existence or threatened existence of an emergency when conditions of disaster or imminent risk to the safety of persons and property exist within the City of Escondido and the City Council is not in session; and

WHEREAS, at the time of this proclamation, the City Council has adjourned to their next regularly scheduled session on January 8, 2025; and

WHEREAS, conditions of a disaster and imminent risk to the safety of persons and property have arisen within the City of Escondido as a result of encampments and unauthorized persons in and around an area known as the Harmony Grove Creek Bed which is generally bounded by Harmony Grove Road, Citracado Parkway, and a stretch of area including the Hale Avenue Resource Recovery Facility, the Green Tree Mobile Home Estates Mobile Home Park, and the Church of God properties (“Harmony Grove Creek Bed Area”) in the City of Escondido; and

WHEREAS, the Escondido Police Department has conducted at least fifty (50) proactive patrols by members of the COPPS Unit and/or Patrol Division just in the past year, however, the Department has been unable to remove, on a sustained basis, unauthorized persons from the Harmony Grove Creek Bed Area given its terrain, location, size and heavy vegetation, and it has become clear that continued attempts to use uniformed officers will be ineffectual to remove the dangers these persons present to persons, the environment, and surrounding neighborhoods; and

WHEREAS, between September 2023 and September 2024, at least three Creek to Bay Clean-Up programs have been conducted in the Harmony Grove Creek Bed Area resulting in the removal of 120 cubic yards of trash and debris and there still remains significant encampment materials, trash, debris, shopping carts, and human feces; and

WHEREAS, the number of calls responded to by Escondido Fire into the Harmony Grove Creek Bed Area increased by 91 percent (91%) from 2023 to 2024; and

WHEREAS, the number of Fire Department calls responded to by all regional fire agencies to the Harmony Grove Creek Bed Area increased 166 percent (166%) from 2023 to 2024; and

WHEREAS, the evidence indicates that the transient population in the Harmony Grove Creek Bed Area has continued to increase over the past year, and is expected to continue to increase, in part due to recent efforts by Caltrans to remove encampments and secure its own property where it installed cut-resistant, climb-resistant fencing designed to prevent trespassing on state property and the displaced persons have now moved into the subject area; and

WHEREAS, on November 22, 2024, the Water Utilities staff received results of microbiology water and soil samples conducted on November 18, 2024, throughout the Harmony Grove Creek Bed Area and those test results are attached hereto as Exhibit "1" ("Test Results"); and

WHEREAS, the Test Results demonstrate evidence of total Coliform and Enterococci dangerously exceeding the Bacteriological Standards for Sanitation, Healthfulness and Safety of Ocean Water-Contact Sports Areas and caused by the presence of human fecal contamination directly related to the encampment sites; and

WHEREAS, the Test Results in the encampment sites in the Harmony Grove Creek Bed Area further demonstrate that persons are currently living in this unhealthy condition and have refused, and will

continue to refuse, to leave the area necessitating an effective perimeter barrier or other protection to this sensitive environment; and

WHEREAS, the emergency conditions at the Harmony Grove Creek Bed Area have resulted in grave concerns over human waste and other debris causing water quality and environmental damage to the area and surrounding neighborhoods; the increasing potential for uncontrolled fires; and increasing dangerous crime in surrounding neighborhoods caused by the persons who have encamped in that area; and

WHEREAS, Police, Fire, Public Works, and Water Quality Department staff all believe there is imminent danger of significant, additional and further deterioration of the conditions if no action is taken immediately to secure the Harmony Grove Creek Bed Area to prevent pollution, fires, crime, and other environmental contamination; and

WHEREAS, these emergency conditions and their impacts are beyond the control of City resources, services, personnel, equipment, and facilities; and

WHEREAS, these emergency conditions require immediate intervention to remedy the existing and anticipated impacts on the environment and community; and

WHEREAS, these emergency conditions warrant and necessitate the proclamation of a local emergency.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED by the Director of Emergency Services of the City of Escondido, California, as follows:

1. That the above recitations are true.

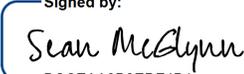
2. That a local emergency currently exists, and has existed since on or before December 15, 2024, within the City of Escondido and, specifically, the defined Harmony Grove Creek Bed Area, due to the actual and/or threatened existence of conditions of disaster or of extreme peril to the safety or persons and property within the City of Escondido caused by such conditions as environmental pollution, increasing crime in surrounding neighborhoods, and increased fire and public health risks.

3. That these emergency conditions require immediate remediation including removal of unauthorized persons causing the deterioration of the land and water conditions; removal of trash and debris; erection of an adequate barrier or barriers to prevent further aggravation of the conditions and continued and uncontrolled migration into the area; and clearing of vegetation and remediation of ground and water conditions to restore the area.

4. That the Director of Emergency Services finds and declares that he shall need all powers and duties as provided for in Escondido Municipal Code § 7-6 including, but not limited to, obtaining funding; waiving any and all state and municipal procurement requirements; and, determining that any project at the location of the Harmony Grove Creek Bed Area is exempt from CEQA review to allow for the immediate purchase of equipment, products, and services to remediate the disaster as any delay to such necessary work will further place the safety of persons and property at imminent risk.

5. That said emergency proclamation shall expire seven (7) days after issuance unless confirmed and ratified by the City Council of the City of Escondido.

Dated: December 15, 2024

Signed by:

By: BCCEAA3B9EDF4B1...

Sean McGlynn
City Manager and
Director of Emergency Services