



NEWS RELEASE
City of Chico
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FOR IMMEDIATE RELEASE: August 08, 2024.

Warren v. City of Chico – Alternate Site

CHICO, CA – (August 08, 2024) – Background: In November 2023 the City of Chico began dispute resolution efforts under Section 16 of the January 14, 2022, Warren Settlement Agreement. One focus of the effort was for the City of Chico to gain the authority to manage the Alternate Site in a manner to reasonably protect public safety and public health of those persons in and around the site as well as for peaceful enjoyment of the nearby residents and businesses.

Circa December 2022 LSNC (Legal Services of Northern California) argued in favor of the city having no ability to control who is at the site, or any other site rules and regulations. Since February 2023, only through a very slow and intermittent enforcement process could the city control who was at the site, with limited ability to manage conduct at the site. Predictably, this resulted in a lawless, chaotic situation that defies reasonable, normal standards for public safety, public health and common sense.

Unfortunately, while Warren Settlement Agreement Section 4 devotes more than 4 pages to describe the attributes of the Pallet (Genesis) Shelter, the Alternate Site is described in Section 10(m) by one sentence that merely calls for its existence. LSNC has argued that the lack of specific site management authority means no site management authority, which is absurd and unreasonable.

Dispute Resolution Process: After 7 months of effort, the City was unable to obtain agreement from LSNC to enter into an implementation agreement the purpose of which was to flesh out specific terms for the implementation of the Warren Settlement Agreement (Implementation Agreement) that would have improved the Alternate Site. The effort included no less than 8 informal dispute resolution conferences pursuant to paragraph 16(b) of the Settlement Agreement with the assigned Magistrate Judge on January 3, January 12, February 27, March 14, March 27, April 24, 2024, May 20, 2024, and June 17, 2024.

Confidentiality: Members of the public rightly expect a reasonable level of disclosure in such proceedings. In multiple instances, the City requested documents related to the dispute resolution process be made publicly available. LSNC opposed those requests, therefore the Federal Court maintained an order of confidentiality during the process. The dispute resolution process that began in November 2023 has now unsuccessfully concluded following the Grants Pass decision. The final product of that effort being the unexecuted [Implementation Agreement](#) as it existed on June 26, 2024.

The original legal foundation of the *Warren v City of Chico* (“*Warren*”) legal action and the January 14, 2022, Warren Settlement Agreement were based primarily upon the *Martin v. Boise* decision (“*Martin*”), a decision that was resoundingly rejected by the U.S. Supreme Court in the *Johnson v. Grants Pass* (“*Grants Pass*”) decision of June 28, 2024. This development resulted in the following press release: [2024-07-17 City of Chico Press Release - Grants Pass.pdf](#)

Alternate Site & Warren Settlement Agreement: In response to the U.S. Supreme Court decision in *Grants Pass*, the Chico City Council provided direction in a number of areas, including moving forward with significant public safety and public health improvements to the Alternate Site.

Noticing to the occupants of the Alternate Site culminated with the following notification issued on August 01, 2024: [2024-07-31 August 2024 Alt Site Cleanup - 72 Hour Cleanup Notice \(7-31-24 rev 3\).pdf](#)

A cleanup of the Alternate Site began on Monday August 05, 2024. Once complete the following site management and site regulations will be in force:

- (i) Installation of one mobile security lighting system to improve onsite safety.
- (ii) Campsites will be limited to one 20 foot by 20 foot space for each person, which will be separated in accordance with Assembly Bill 42 for fire safety (because this rule pertains to emergency vehicle access, violations will be enforced through the immediate removal of property).
- (iii) No unauthorized entry of persons who have not been referred there (“Unauthorized Occupants”), who are not either professional social service providers, or who have not been approved to visit between the hours of 7:00 a.m. and 10:00 p.m.
- (iv) No unauthorized entry of vehicles to the parking area that are not owned by Authorized Occupants or service providers who are assisting an Authorized Occupant (violations will be enforced through the applicable provisions of the Chico Municipal Code and California law);
- (v) No dogs off leash (violations will be enforced through any relevant provision of California law and the Chico Municipal Code, including but not limited to, Chico Municipal Code sections 7.08.110 and/or 7.08.150);
- (vi) Quiet hours are between 10:00 p.m. and 7:00 a.m. (violations will be enforced through any relevant provision of California law and the Chico Municipal Code, including but not limited to, Chico Municipal Code sections 9.38.030, 9.38.050, 9.38.052, 9.38.054, 9.38.130 and/or 9.38.140).

The issues with the Alternate Site are merely one area where the Warren Settlement Agreement has been unworkable for the City of Chico as it has and continues to restrain the City’s ability to timely address public health and safety issues on public property and causes great distress to neighboring businesses and residents and disrupts entire neighborhoods.

Because the Warren Settlement Agreement is premised on rejected *Martin* principles, it fails to respect and balance the need to be able to protect the public’s health, safety, and the peaceful enjoyment of adjoining private properties, and has created an endless circle of noticing, cleanup of debris, human waste and toxic materials at great public expense only to repeat again and again, without end. The City must have the ability to maintain reasonable levels of public health and safety at various locations in the City including the ability to establish reasonable, common sense rules and regulations of the Alternate Site. The City of Chico Amicus Brief filed in the *Grants Pass* proceeding provides additional details as to the unworkable and ineffective nature of the Warren Settlement Agreement.

In concert with the *Grants Pass* decision overturning *Martin*, the City seeks a more balanced, reasonable and workable answer to responding to public health, public safety and personal conduct issues in the City of Chico. As efforts to negotiate with LSNC have failed to produce Alternate Site improvements, the City of Chico is moving forward with improvements to the Alternate Site as described above, and with regard to the Warren Settlement Agreement itself, the City expects to file a motion to seek judicial relief pursuant to Rule 60 of the Federal Rules of Procedure next week.

In response to the [City’s July 15, 2024 letter](#), we received a [letter dated July 31, 2024 from LSNC](#). Although LSNC cites Evidence Rule 408 to falsely declare confidentiality of that document, that rule merely prohibits the City from using the settlement offer or other statements made during settlement negotiations as evidence

to prove or disprove the validity of any settlement amount or in this case the validity of any arguments LSNC or the City may make in any subsequent litigation. Therefore, we believe that the letter is a public document and is disclosed herein.

The City responded to LSNC via phone conversation and by [letter dated August 07, 2024](#) informing LSNC that the City could not accept its proposal because it proposed a continuation of the *Martin* legal principles just overturned by the US Supreme Court that severely limits the City's ability to make timely and nuanced operational and policy decisions needed for a multi-faceted response to the evolving issue of homelessness.

Also reference [Governor Newsom's Executive Order N-1-24](#) dated July 24, 2024.

For additional information or media inquiries:

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Reference Documents:

[2022-01-14 Warren v. Chico Settlement- Fully Executed.pdf](#)

[2022-08-19 Camping Enforcement Timeline.pdf](#)

[2023-02-24 Warren v. Chico Order After Hearing.pdf](#)

[2024-03-04 City of Chico Amicus Brief.pdf](#)

[2024-06-26 Warren v. Chico - Stip re Implementation Agreement and Order re Settlement Procedures \(final draft\).pdf](#)

[2024-06-28 SCOTUS Johnson Grants Pass 23-175 19m2.pdf](#)

[2024-07-15 Ltr re Pause of Dispute Reso Process under SA Post-Grants Pass Matters, 07.15.24.pdf](#)

[2024-07-16 LSNC Ltr. to City \(7-16-24\) FINAL.pdf](#)

[2024-07-17 City of Chico Press Release - Grants Pass.pdf](#)

[2024-07-24-Newsom Encampments-EO-7-24.pdf](#)

[2024-07-31 August 2024 Alt Site Cleanup - 72 Hour Cleanup Notice \(7-31-24 rev 3\).pdf](#)

[2024-07-31 LSNC Settlement Proposal, Warren v. Chico.pdf](#)

[2024-08-07 Rspn re LSNC Settlement Proposal 08.07.24.pdf](#)

[Rule 60.pdf](#)

Located in Butte County, California, Chico is the cultural and economic center of the northern Sacramento Valley and the largest city north of Sacramento. Known as a college town, the home of California State University, Chico and for Bidwell Park, one of the largest urban parks in the world. For more information, visit www.chico.ca.us.

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