



**STAFF REPORT**  
**12/11/2019**

**TO:** Honorable Mayor and City Council Members

**FROM:** Carlos Campos, City Attorney  
Best Best & Krieger LLP

**SUBJECT:** City Council Report Regarding the Measures the City Has Taken to Alleviate Conditions which led to the Adoption of Interim Urgency Ordinance No. 1149, Placing a Temporary Moratorium on City Approvals of New Applications for the Construction or Operation of Prisons, Jails, Correctional Facilities, and Detention Facilities within the City, to Allow Consideration of Appropriate Amendments to the General Plan or Zoning Code to Address the Impact of these Institutions on the Public Welfare in Accordance with Government Code Section 65858.

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**SUMMARY:**

On November 20, 2019, the City Council adopted an interim urgency ordinance that temporarily prohibits the City's approval of new applications for the construction or operation of prisons, jails, correctional facilities, and detention facilities within city limits. The interim urgency ordinance is effective for 45 days and is set to expire on January 4, 2020.

Pursuant to State law, the City Council is required, not later than 10 days prior the expiration of the interim urgency ordinance to issue a written report to the public describing the measures taken to alleviate the conditions which led to the adoption of the ordinance. A report to that effect is attached hereto.

Although Staff has started to take the measures to address the potential siting of prisons jails, correctional facilities, and detention facilities, they have not yet finished their work in this regard. As such, Staff will present to the Council at this meeting a request to extend the interim urgency ordinance for an additional period of ten (10) months and fifteen (15) days.

**STAFF RECOMMENDATION:**

Staff recommends that the City Council of the City of Coachella (City) issue the attached City Council Report to the public describing the measures the City has taken to alleviate the conditions which led to the adoption of Interim Urgency Ordinance, Ordinance No. 1149, which placed a 45-day moratorium on City approvals of new applications for the construction or operation of prisons, jails, correctional facilities, and detention facilities on a city-wide basis.

### **STAFF ANALYSIS:**

On November 20, 2019, the City Council adopted an interim urgency ordinance that temporarily prohibited the City's approval of new applications for the construction or operation of prisons, jails, correctional facilities, and detention facilities within city limits. The interim urgency ordinance is effective for 45 days and is set to expire on January 4, 2020.

The moratorium was established to allow the City the opportunity to consider amendments to the General Plan or Zoning Code to better regulate the location of prisons and detention facilities within the City, and address how these land uses impact the health, safety, and welfare of Coachella residents. Pursuant to Government Code Section 65858(d), the City Council is required, not later than 10 days prior the expiration of the moratorium ordinance (January 4, 2020), to issue a written report to the public describing the measures taken to alleviate the conditions which led to the adoption of the interim ordinance.

Since the adoption of the interim ordinance, the City Attorney has been working with the Planning Department to address the current and immediate threat to the public health, safety, and welfare created by the lack of appropriate regulations for the siting of prisons and detention facilities. Measures taken to date include: (1) reviewing and researching draft ordinance language to better regulate the siting of prisons and detention facilities, including any facility used to provide foster services to separated minors, (2) soliciting public feedback, and (3) researching conflicting Federal and State laws and policies applicable to the proposed ordinance.

Although Staff has started to take the measures outlined above to address these issues, they have not yet finished their work in this regard. As such, Staff will also be presenting to the Council at this meeting a request to extend the moratorium for an additional period of ten (10) months and fifteen (15) days.

### **ENVIRONMENTAL:**

This action is not subject to the California Environmental Quality Act under California Code of Regulations, Title 14, Section 15060, subdivision (c)(2), because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment nor under subdivision (c)(3) because the activity has no potential for resulting in physical change to the environment, directly or indirectly and so is not a project.

### **FISCAL IMPACT:**

No anticipated fiscal impacts.

Attachments: Council Report Regarding City Measures Taken to Alleviate Moratorium Conditions