



MARIPOSA COUNTY

Administration · 209-966-3222



RESOLUTION - ACTION REQUESTED 2014-472

MEETING: September 9, 2014

TO: The Board of Supervisors

FROM: Rick Benson, County Administrative Officer

RE: Final Response to 2013-14 Grand Jury Report

RECOMMENDATION AND JUSTIFICATION:

Approve the Response of the Board of Supervisors to the 2013-2014 Mariposa County Grand Jury Final Report and Direct the County Administrative Officer to Transmit the Response to the Presiding Judge of the Mariposa County Superior Court.

The California Penal Code requires the Board of Supervisors, as the governing body of a public agency subject to the Grand Jury's reviewing authority, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to the matters under the control of the governing body within ninety-days of after the Grand Jury submits its Final Report.

Please see the attached response.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors has responded to the Grand Jury Final Report in previous years.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

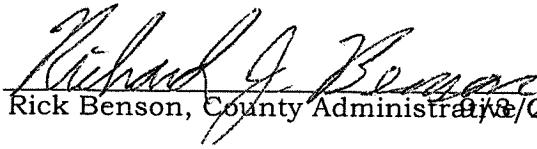
Approve the draft response with revisions.

ATTACHMENTS:

Grand Jury Final Report 2013-2014 (PDF)
bos response 13-14 final grand jury report (DOC)
Grand Jury Report 4 - Planning response 2014 (DOC)
HSD Response to Final Grand Jury Report 13-14 (DOC)
Sheriff Grand Jury Response 13-14 (PDF)

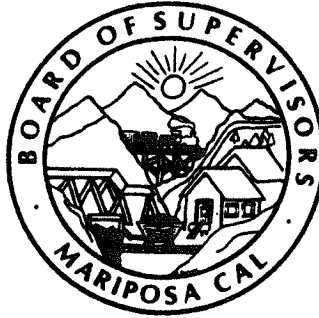
CAO RECOMMENDATION

Requested Action Recommended


Rick Benson, County Administrator

RESULT: ADOPTED [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Janet Bibby, District III Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier

Mariposa County Board of Supervisors



District 1 LEE STETSON
District 2 MERLIN JONES
District 3 JANET BIBBY
District 4 KEVIN CANN
District 5 JOHN CARRIER

September 15, 2014

MARY HODSON
Interim CAO

RENÉ LAROCHE
Clerk of the Board

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Honorable Wayne Parrish
Assistant Presiding Judge of the Superior Court
County of Mariposa
Post Office Box 28
Mariposa, California 95338

Dear Judge Parrish:

Enclosed is the response of the Mariposa County Board of Supervisors to the 2013-2014 Mariposa County Grand Jury Final Report. The Clerk of the Board of Supervisors and the County Clerk will keep copies of the report and this response on file. A file copy will also be submitted to the 2014-2015 Grand Jury.

We at the County appreciate the effort and the many hours of work that the Investigative Report represents.

Sincerely,

MARY B. HODSON
Interim County Administrative Officer.

MBH
Enclosure

cc: Keith Williams, County Clerk
2014-2015 Grand Jury
René LaRoche, Clerk of the Board

**Mariposa County Board of Supervisors
Response to 2013-2014 Mariposa County Grand Jury Final Report**

COUNTY-WIDE EMPLOYEE SURVEY.

Findings:

- #1: The Board agrees with this finding.
- #2 The Board agrees with this finding with the following comment: The County's Human Resources/Risk Management department has only three employees and the Director's position is currently vacant. Given the limited staff and current workload, conducting a survey now may not be within the County's ability.

Recommendations:

1. The Board of Supervisors agrees that a county-wide employee survey is a worthwhile endeavor. As stated previously, the Human Resources/Risk Manager is currently vacant and the County is recruiting for this position. Given the current workload and time table for completing the recruitment, it is not feasible for a survey to be completed within the next year. The new Director will be given direction to review this matter and to bring a recommendation to the Board for possible implementation by Fiscal Year 2016-2017.
2. The Board of Supervisors agrees with this recommendation, however, the Human Resources/Risk Manager at the direction of the Board of Supervisors will determine and draft the survey taking into consideration the 2010 King County survey. While the Board appreciates the willingness of the Grand Jury to evaluate a survey, it is appropriate for a Human Resources professional to design the survey.

EMPLOYEE SATISFACTION WITHIN THE MARIPOSA COUNTY HUMAN SERVICES DEPARTMENT – SECOND INVESTIGATIVE REPORT

The Grand Jury released this Investigative Report on December 18, 2013. The Board of Supervisors approved a response to this investigative report on April 8, 2014, with Resolution 14-148.

GRAND JURY SELF-EVALUATION

No response is required from the Board of Supervisors.

THE HOMELESS IN MARIPOSA TOWN AREA:

Findings:

- #1 The Board agrees with this finding.
- #2 The Board agrees with this finding.
- #3 The Board agrees with this finding, noting that Mariposa County is a desirable destination for all types of people not just transients.
- #4 The Board agrees with this finding, noting that no formal complaint regarding this situation has been reviewed or received by the entire Board.
- #5 The Board agrees with this finding.
- #6 The Board agrees with this finding, noting that the Planning Department is currently working with community organizations and other county departments in resolving this matter.
- #7 The Board agrees with this finding, noting that the Human Services Department is starting more outreach efforts.

Recommendations:

1. The Board concurs with this recommendation and will work with the Planning Director and Health Officer to resolve any violations of zoning ordinances and/or health codes that may exist.
2. The Board concurs with this recommendation and will work with the Public Works Director on implementing a no smoking area along the Mariposa Creek Parkway and Arts Park.
3. The Board concurs with this recommendation and will support the Sheriff on implementing Sheriffs Deputies patrolling either on foot, bicycles, or horseback the Mariposa Creek Parkway within the financial abilities/constraints of the County's budget.
4. The Board concurs with this recommendation and will continue to work with the Human Services Director on identifying possible housing solutions for local homeless persons.

ISSUES WITHIN THE MARIPOSA COUNTY FIRE DEPARTMENT:

Findings:

- #1 through #7 The Board cannot comment on these findings without a formal investigation conducted by the Human Resources department on the personnel issues and a formal investigation conducted by the Auditor's department on the financial issues.

Recommendations:

1. The Board concurs with this recommendation and will advise the Fire Chief during the annual Department Head evaluations that this should be a priority.
2. The Board concurs with this recommendation and will advise the Fire Chief to inform Fire Department employees of the proper procedures to follow regarding conflict resolution. It should be noted that conflict resolution should first try to be resolved at the Department level.
3. The Board concurs that mutual aid agreements need to be reviewed and the procedures for providing assistance to outside agencies need to be followed.
4. The Board concurs with this recommendation noting that the only salaried employee is the Fire Chief, and all other county employees should be completing monthly time sheets that are reviewed and approved by the Fire Chief prior to submittal to the Auditor's office.

REVIEW OF COUNTY CORRECTIONAL FACILITIES

No response is required from the Board of Supervisors.



MARIPOSA PLANNING

COUNTY OF MARIPOSA
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MARIPOSA, CALIFORNIA 95338-2039
209 . 742 . 1215 • FAX 209 . 742 . 5024

Sarah Williams, Director
swilliams@mariposacounty.org

August 1, 2014

TO: Board of Supervisors
FROM: Sarah Williams, Planning Director
RE: Response to Mariposa County 2013-2014 Grand Jury Final Report; Report 4

I have reviewed Complaint 4 from the 2013-2014 Grand Jury Final Report. This correspondence is my response to Report 4 in accordance with Penal Code Section 933.05.

Report 4

I understand that Report 4 was spurred by the 2013-2014 Grand Jury's own observations of homeless activity in the town of Mariposa, as well as a letter of concern received by the Grand Jury. The Grand Jury conducted an investigation into allegations that an increasing homeless population in the town of Mariposa is having a detrimental effect on the local community.

This response is from the Planning Department and only addresses items and issues which are within the purview of the Planning Department.

Clarification regarding "Methods" included in Report 4

Senate Bill 2 (SB 2)

The 2013-2014 Grand Jury Report (GJ Report) references Senate Bill 2 (SB 2). SB 2 (2007) amended California Government Code Section 65583 and Section 65589.5 to clarify and strengthen California Housing Element law to ensure locally adopted zoning ordinances encourage and facilitate emergency shelters and to limit the denial of emergency shelters and transitional and supportive housing. SB 2 was adopted to facilitate efforts to address the

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critical needs of homeless populations and persons with special needs throughout all communities in California.

SB 2 amended California Government Code to require local jurisdictions to amend their zoning ordinances to establish the following:

1. At least one zone which permits emergency shelters without a conditional use permit or other discretionary action.
2. Sufficient capacity to accommodate the need for emergency shelters and at least one year-round emergency shelter.
3. Objective permit procedures, development and management standards; standards may address maximum number of beds, provision of on-site management, length of stay and security.
4. Development and management standards which are consistent with those applied to residential or commercial uses within the same zone.
5. Transitional and supportive housing shall be considered a residential use.
6. Denial of emergency shelters, transitional housing or supportive housing is limited by requiring specific findings.

Mariposa County Code, Zoning Ordinance

The “Mariposa County Planning Department code manual” referenced in the GJ Report is the Mariposa County Code, Zoning Ordinance (zoning ordinance). The zoning ordinance is a regulatory document, adopted and amended by the Board of Supervisors. Primary authority for implementation, interpretation and enforcement of the zoning ordinance lies with the Planning Director.

To implement the specific requirements established by SB 2, the Mariposa County Board of Supervisors amended the zoning ordinance in 2012 by adoption of Ordinance No. 1090. Ordinance No. 1090 made emergency shelters a permitted use in the General Commercial (GC) and Public-Quasi Public (P-Q) zones in the town of Mariposa (Mariposa County Code, Zoning Ordinance Chapters 17.320 and 17.324). Emergency shelters are subject to development standards established by Mariposa County Code, Zoning Ordinance Section 17.336.130. Transitional and supportive housing was established as a permitted use in any zone in the town of Mariposa which permits residential uses (Mariposa County Code, Zoning Ordinance Section 17.334.070).

As a result of adoption of Ordinance No. 1090, Mariposa County complies with the requirements of SB 2, and relevant sections of Government Code.

Findings of Report 4

The GJ findings and Mariposa Planning’s responses are as follows:

Finding 1: The R.O.A.D. House provides a healthy and positive environment for clients of Human Services. Non-clients – many of them homeless – also use the facility.

Response: While I do not have personal knowledge of this finding regarding a Human Services program, the R.O.A.D. House program has been discussed at the formal meetings described in the response to Recommendation 1 (below).

Finding 2: Hazardous and unsanitary conditions exist along the Mariposa Creek area, where fire and encampments, trash sites, evidence of human waste, etc., present a fire and public health risk to local residents and visitors.

Response: While I do not have personal knowledge of this finding, I would observe that one important purpose of zoning is to protect public health and safety. Zoning typically establishes minimum standards for establishment of uses, such as camping uses, to address potential impacts of the use.

A camping use is not allowed as a permitted or conditionally permitted land use in the zoning designations of parcels located along Mariposa Creek. A camping use has not been approved pursuant to zoning for any parcel located along Mariposa Creek in the town of Mariposa.

Zoning ordinance compliance is the responsibility of a property owner. It is likely that property owners of parcels on which camping is occurring are either unaware of the illegal camping use or not able to control trespass.

Finding 3: With services being provided by both public and private entities, Mariposa has become a desirable destination for transients, with the Mariposa Creek, Mariposa County Arts Park, and various downtown locations becoming gathering areas.

Response: I do not have personal knowledge of this conclusion. During meetings regarding this issue, reasons for increased homeless populations (and increased public presence of homeless individuals) throughout California and in Mariposa have been discussed, including the economy, AB 109, lack of available low income housing, lack of daytime facilities for homeless individuals, and limited employment opportunities.

Finding 4: Local businesses and residents are concerned about the homeless situation, and the presence of homeless individuals in public places may be intimidating tourists.

Response: I agree that local businesses and residents are concerned about the homeless situation. I do not have personal knowledge regarding with the intimidation portion of this finding.

Finding 5: The county planning department considers several local churches to be acting as emergency shelters.

Response: As a result of meetings with members of the 2013-2014 GJ, the planning department reviewed the zoning designation of parcels on which the Open Arms Program is being conducted. The zoning designation of the parcels on which the Methodist and St. Joseph's Catholic churches are located is General Commercial (GC) and Historic Design Review Overlay (HDRO). The GC zone allows an emergency shelter as a permitted use, as long as established development standards are met.

During meetings conducted in May and July 2014, the specific requirements of the development standards were reviewed with Pastor Ginger Foster of the Methodist Church and Father Steve Bulfer of the St. Joseph's Catholic Church. Ways to accomplish zoning compliance were discussed.

Finding 6: The county planning department does not appear to be requiring from what it considers local emergency shelters, a written management plan as required by county code, and which must subsequently be approved by the planning director.

Response: A temporary emergency shelter, such as a Red Cross Shelter established in response to a fire or flood, is not subject to zoning. The Open Arms Program was originally established as a philanthropic response to severe cold weather during the winter of 2012; no county development services approvals were sought.

Zoning regulates permanent land uses. Because the Open Arms Program continued past the initial winter emergency, facilities housing the program are subject to zoning standards. Planning, together with other involved county departments (Building, Health, Fire, Sheriff, Human Services), have reached out to representatives of the program to discuss compliance requirements, program needs, participant needs, and other compliance issues and consequences. Conversations started in the fall of 2013 and are continuing. Discussions include identifying other programs and funding for addressing this community issue.

Finding 7: The County Human Services Department is conducting little outreach to individuals who don't present themselves to the department in one form or another.

Response: The Human Services Department has been involved in the 2013/2014 meetings with Open Arms representatives and county staff. It is appropriate for Human Services staff to respond in detail to this finding.

Recommendations in Report 4

Recommendation 1: In order to ensure the long-term viability of homeless services being provided by local churches, we recommend that the county and churches work together to make sure shelters and services are in compliance with local zoning ordinances and health codes.

Response:

I agree with this recommendation of the 2013-2014 Grand Jury. The recommendation has been and is being implemented by the following:

- 1. There have been 3 formal meetings regarding the homeless issue in Mariposa; meetings were conducted on 11/26/13, 5/29/14 and 7/30/14. A 4th meeting is scheduled for 8/14/14. Meetings are attended by the District IV and District V Supervisors, Sheriff, County Counsel, Building Director, Health Department Director, Health Department Health Division Director, Fire Chief, Human Services Department Director, Planning Director and representatives of the Methodist and St. Joseph's Catholic churches.*
- 2. There have been many other meetings held since the fall of 2013 involving just county staff.*
- 3. The specific purpose of the formal meetings involving Open Arms Program representatives has been to discuss and facilitate program (facility) compliance. The meetings have also been conducted for the purpose of improving understanding of the matter, learning about the needs of the program and its participants, discussing options to address community issues of concern, and identifying and discussing other potential programs and funding opportunities to address this complicated community problem.*
- 4. Research has been and is continuing to be conducted to learn about how other communities in California address the needs of their homeless population.*

Recommendation 2: Because of the fire risk along Mariposa Creek, we recommend a no smoking ordinance be enacted along the Mariposa Creek corridor, including the Arts Park.

Response:

Enactment of a no smoking ordinance for the Mariposa Creek corridor has been discussed during the formal meetings described in the response to Recommendation 1 above.

Implementation of this recommendation would not typically be within the purview of the Planning Department.

Recommendation 3: Mariposa County supports the use of deputies on bicycles to effectively patrol the areas along Mariposa Creek from the Town to the jail facility.

Response:

This recommendation is not within the purview of the Planning Department.

Recommendation 4: Human Services Department assist in finding housing solutions for local homeless persons.

Response:

This recommendation has been discussed and addressed during the formal meetings and staff meetings described in the response to Recommendation 1 above.

The Human Services Department Director gave a brief report at the meeting conducted on 7/30/14 regarding the programs and funding opportunities for housing. Additional discussion will occur on 8/13/14. At her recommendation, local non-profits will be included in future discussions.

Conclusion

I believe that the 2013-2014 Grand Jury exercised its responsibilities with admirable diligence, thorough research and objectivity.

I appreciate the effort and care that this year's grand jurors put into their preparation of the Final Report.

Please let me know if you have questions or need additional information regarding these responses.



**MARIPOSA COUNTY
HUMAN SERVICES DEPARTMENT**

Chevon Kothari, Director
ckothari@mariposahsc.org
(209) 742-0892



August 8, 2014

TO: Board of Supervisors
FROM: Chevon Kothari, Human Services Director
RE: Response to Mariposa County 2013-2014 Grand Jury Final Report; Report 4

I have reviewed Report 4 from the 2013-2014 Grand Jury Final Report. This correspondence is my response to Report 4 in accordance with Penal Code Section 933.05.

This response is from the Human Services Department and only addresses items and issues which are within the purview of the Human Services Department.

Findings of Report 4

The GJ findings and Mariposa Human Services Department's responses are as follows:

Finding 1: The R.O.A.D. House provides a healthy and positive environment for clients of Human Services. Non-clients – many of them homeless – also use the facility.

Response: The R.O.A.D House is a wellness and recovery center which was created in 2009; it is currently funded through Mental Health Services Act Funding that the County receives from the State. The original intended use of the R.O.A.D House was to serve as a gathering place or wellness center for individuals with severe and persistent mental illnesses; a place where they would experience increased social connectedness and engage in programs to promote recovery and life skills building. Originally planned for 10-12 clients per day, the R.O.A.D House has seen our population expand in two distinct ways over the past two years. First, the program now serves 20-30 people per day. Second, since the inception of Open Arms, we have seen a growing number of homeless individuals utilize our services. What these community members generally seek is a place to rest during the hot or cold days, a shower, laundry facilities, a phone to organize services, and a meal. This is

in contrast to what R.O.A.D House originally was set up to do with life skills building and recovery related activities and groups. Additionally, when R.O.A.D House was first established, most of our clientele had a severe and persistent mental illness (bi-polar disorder, schizophrenia, major depression, etc.). Although almost all participants in the R.O.A.D. House currently deal with major life stressors and mental health and substance abuse related problems, there has definitely been a change in our focus and population. This has resulted in a need to adapt the types of services and the level of services needed through this setting. This has also led us to question whether the funding we receive can adequately cover the needs of this population, given the changes referenced above. Nonetheless, the Human Services Department has recently begun to undertake a series of discussions both in-house and with our community partners to determine how to best meet the needs of community members who currently utilize the R.O.A.D House.

Finding 2: Hazardous and unsanitary conditions exist along the Mariposa Creek area, where fire and encampments, trash sites, evidence of human waste, etc., present a fire and public health risk to local residents and visitors.

Response: I would concur that this is seemingly an increasing problem in Mariposa.

Finding 3: With services being provided by both public and private entities, Mariposa has become a desirable destination for transients, with the Mariposa Creek, Mariposa County Arts Park, and various downtown locations becoming gathering areas.

Response: I currently do not have data to support this, however, in community discussions, County Departments and providers have seen an increased number of homeless individuals, both from Mariposa and from other communities. As a result of limited low income housing options and no daytime shelter, this is certainly more visible than it has been in the past. The R.O.A.D House has been utilized as one of the main gathering places for those who are homeless and our numbers have more than doubled in the past 2 years.

Finding 4: Local businesses and residents are concerned about the homeless situation, and the presence of homeless individuals in public places may be intimidating tourists.

Response: Although I don't have firsthand knowledge of this, I concur that local businesses and residents are concerned about the seemingly growing population of homeless individuals.

Finding 5: The county planning department considers several local churches to be acting as emergency shelters.

Response: I have been involved in several meetings where I understand this to be the case. As a Human Services Department, we have been thankful for the services of Open Arms and the partnership they have provided to link people into our services at the Department (Behavioral Health, Cash Aid, Medi-Cal Enrollment, etc.)

Finding 6: The county planning department does not appear to be requiring from what it considers local emergency shelters, a written management plan as required by county code, and which must subsequently be approved by the planning director.

Response: I have been involved in several discussions during the past four months regarding the need to identify model programs and funding for addressing this community issue. The Human Services Department has been doing increased work in the previous few months to identify the needs and gaps, model programs, and possible funding sources to assist in transitioning individuals from homelessness to safe and secure housing.

Finding 7: The County Human Services Department is conducting little outreach to individuals who don't present themselves to the department in one form or another.

Response: This finding is correct in one respect – the Human Services Department has been remiss in doing certain types of outreach that could begin to engage homeless individuals in our community. There could be more done with reaching out to individuals where they tend to congregate – in the Arts Park, by Mariposa Creek and in Open Arms at night. More outreach has begun to occur at Open Arms during evening hours and will continue to increase.

That being said, it is important to note that a number of the homeless individuals in our community have come in contact and continue to utilize Human Services. We provide a number of programs which are currently serving homeless populations:

- *Many homeless individuals have been enrolled in Medi-Cal, a program administered through Human Services, for their health care needs.*
- *Many homeless individuals have sought out and receive General Assistance (Cash Aid) and CalFresh (formerly Foodstamps).*
- *Homeless individuals with children have enrolled in our CalWORKs programs.*
- *Many homeless individuals have received Behavioral Health services and treatment.*
- *As previously mentioned, many of the homeless individuals in our community utilize the R.O.A.D. House for a place to rest during the days, a shower, laundry facilities, food, and a place to link to case management and other community services.*

In addition to existing services, in the summer of 2013, the Mariposa County Human Services Director (at the time) and the Alliance for Community

Transformations Executive Director began the process of joining the Central Sierra Continuum of Care (CoC). The reason this is important, is that by joining a CoC, funding from state and federal sources which cannot currently be accessed by our County will then become available through competitive grant processes. We anticipate this to occur in 2015, which will open up opportunities.

Over the past several years housing/homeless assistance related programs that the Department had once administered had all been taken over by out-of-county entities or discontinued altogether. Furthermore, this left no one identified on our staff to serve as a housing/homelessness liaison or to develop services or resources to address this need. There are many reasons for this, much of which was outside of the Department's control, however, it did leave a gap. We are in the process of doing a gap analysis and identifying with the Board of Supervisors and our community partners what role the Human Services Department can and should take moving forward. There are many reasons why it would make more sense for a private, non-profit corporation to provide homeless/housing related services versus a county entity. Nonetheless, we see our role as paramount to the success of future efforts to reduce homelessness in Mariposa County.

*A primary concern of the Human Services Department is the lack of **low-barrier, affordable** housing in Mariposa County. Despite our effort to link individuals to existing services, many of the clients we serve and the homeless individuals in our community are unable to obtain housing. Due to criminal records, poor or no credit history, or lack of reliable income, homeless individuals may be turned away from rental opportunities. This becomes a problem that is cyclical because individuals without a place to live have a difficult time maintaining reliable employment and building their credit. Furthermore, individuals with criminal histories, if not given a second chance to rebuild their lives with a stable job and secure home, may continue to get stuck in the cycle of criminal behavior.*

*In reviewing models to address homelessness in our community, we have identified a significant need to provide **supportive and low-barrier housing opportunities** to assist individuals in their transition out of homelessness in a manner that they can be successful. This strategy, along with existing services throughout the community, will help to holistically and meaningfully address homelessness in our County.*

Recommendations in Report 4

Recommendation 1: In order to ensure the long-term viability of homeless services being provided by local churches, we recommend that the county and churches work together to make sure shelters and services are in compliance with local zoning ordinances and health codes.

Response:

The Mariposa County Planning Department and other County Departments have been diligently working with our community partner, Open Arms, to address the Recommendation 1.

Recommendation 2: Because of the fire risk along Mariposa Creek, we recommend a no smoking ordinance be enacted along the Mariposa Creek corridor, including the Arts Park.

Response:

This recommendation is not within the purview of the Human Services Department.

Recommendation 3: Mariposa County supports the use of deputies on bicycles to effectively patrol the areas along Mariposa Creek from the Town to the jail facility.

Response:

This recommendation is not within the purview of the Human Services Department.

Recommendation 4: Human Services Department assist in finding housing solutions for local homeless persons.

Response:

I concur with this recommendation and have received support from the Board of Supervisors to assist in finding housing solutions for local homeless persons.

As described above, the solutions will require a comprehensive community approach to bring County Departments, non-profit providers, and private entities (developers, landlords, etc.) to the table to find low-barrier, affordable, and supportive housing situations for individuals who both want and need the assistance.

Conclusion

I want to personally thank the 2013-14 Grand Jury for your tremendous work and dedication to all of the issues covered in this year's report. It was clear that there was a great deal of time and expertise that the Jurors lent to this process. Additionally, findings were delivered in both a respectful and professional manner.

Please do not hesitate to reach out if you need more information or assistance in the future.