



# MARIPOSA COUNTY

Health and Human Services · (209) 966-2000



## **RESOLUTION - ACTION REQUESTED 2018-553**

MEETING: November 13, 2018  
TO: The Board of Supervisors  
FROM: Chevon Kothari, Health and Human Services Director  
RE: Approve Homeless Emergency Shelter Solution

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### **RECOMMENDATION AND JUSTIFICATION:**

Resolution Approving the use of County Property near the Health and Human Services Department for Establishing a Temporary Emergency Shelter Site for Homeless Individuals and Approving the Expenditure of Funds to Develop the Site and Support Operations of the Program.

Staff recommends the Board's action includes the following findings:

1. Pursuant to California Government Code Chapter 7.8, the Board of Supervisors adopted Resolution No. 2018-518 on November 5, 2018, declaring a Shelter Crisis in Mariposa County, finding a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety.
2. The Board of Supervisors considered the impending on-set of the winter season, during which the average daily low temperatures in Mariposa County are 36°F for the month of November, 31°F during the month of December, 31°F during the month of January, 33°F during the month of February, and 35°F during the month of March.
3. The Board of Supervisors considered the Declaration of a Local Health Emergency by the County Health Officer, dated October 31, 2018. The Public Health Officer declared that:
  - a. the homeless situation created a potential for an imminent and proximate threat of a communicable disease, particularly Hepatitis A;
  - b. the homeless situation placed the homeless at risk for exposure to the elements; and
  - c. a local health emergency is threatened to exist in areas of the County where the accumulation of waste can occur due to unregulated encampments.
4. Pursuant to California Government Code Section 8698.1, as a result of the Board of Supervisors' declaration of a shelter crisis, the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of

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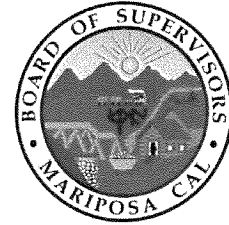
housing, health, or safety are suspended to the extent that strict compliance would in any way prevent, hinder or delay the mitigation of the effects of the shelter crisis.

5. Pursuant to California Government Code Section 8698.2(b), upon a declaration of a shelter crisis, the County may allow persons unable to obtain housing to occupy designed public facilities during the duration of the state of emergency.
6. Pursuant to California Government Code Section 8698(c), public facility means any facility of the county, including parks.
7. Mariposa County owns property adjacent to the Health and Human Services Building known as APNs 012-142-026 and 012-142-027. This property was acquired for park purposes.
8. The Board of Supervisors finds that zoning ordinance provisions, including both land use requirements and design review standards, are a local regulation which would prevent, hinder and delay the mitigation of the effects of the shelter crisis.
9. Pursuant to California Government Code Section 8698.1, the Board of Supervisors may establish standards to be operative during the housing emergency, consistent with ensuring minimal public health and safety. These standards shall only apply to additional public facilities open to the homeless.
10. The Board of Supervisors finds and directs county staff, including Health and Human Services staff, Public Works staff, County Fire staff, Planning staff, and Sheriff's staff, to determine and implement the minimal necessary public health and safety standards to be applicable for the establishment of the temporary emergency shelter site, and for its on-going operation and maintenance. This direction includes consideration of potential environmental consequences of the development and use of the shelter site, as well as potential public safety impacts.
11. Pursuant to California Government Code Section 8698.2(b), a shelter crisis is a local state of emergency. Specific actions necessary to prevent or mitigate an emergency are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15269(c). The Board's action to approve the use of county property near the Health and Human Services Department for establishing a temporary emergency shelter site for homeless individuals and approving the expenditure of funds to develop the site and support operations of the program is done for the express purposes of:
  - (a) Providing emergency housing to a significant number of homeless who are without the ability to obtain shelter
  - (b) Improving the health and safety of unsheltered persons in the County of Mariposa who lack of shelter by:
    - (I) Providing climate-controlled environments to mitigate the impact of cold temperature



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- (ii) Providing sanitation facilities to mitigate the impacts of waste and wastewater that may cause disease
- (iii) Providing screenings and health services to identify and reduce the risk of both communicable and chronic diseases

The temporary emergency shelter site will be developed on a less than one-acre portion of the project site, to ensure there are adequate temporary facilities for sanitation (bathrooms and showers); for sewage and wastewater disposal; for solid waste disposal; for domestic drinking water; for warming facilities; for 24/7 staffed oversight and security on the premises, including fencing; and for surface water runoff control. The site provides ready access to supportive and self-sufficiency development services. The site is in the town of Mariposa, where response time by emergency response agencies is minimal.

12. The Board of Supervisors finds that the Special Occupancy Parks Act standards are a state regulation which would prevent, hinder and delay the mitigation of the effects of the shelter crisis.
13. The use of county property near the Health and Human Services Department for a temporary emergency shelter site for homeless individuals is a part of Phase 1 of a planned three phase project, for which state funds are available. Phase 1 is to be in place for no longer than a one (1) year time period. Phase 2 is intended to provide transitional housing and phase 3 is intended to provide permanent housing.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

On November 5th, 2018, in a Special Meeting, the Board of Supervisor declared a "Shelter Crisis". At that time, the Board gave direction to County Departments, under the lead of Health and Human Services, to move the shelter that was set up at Darrah Road under the Health Emergency Declaration to a site near town and commence operations within 30 days.

In 2015, the County Board of Supervisors adopted a Strategic Plan to Address Homelessness. One objective of the Plan was to develop an emergency shelter solution. This Plan was updated again in 2017 with the same goal. In September of 2017, Mariposa Open Arms which had been providing emergency shelter to the homeless community for the previous five years closed their doors. Due to several extenuating circumstances, namely several disasters which have taken the attention and time of the county and community, there has not been a replacement emergency shelter solution developed.

Over this past year, there have been several changes in the landscape of

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homelessness. Mariposa County has seen an uptick of homeless individuals who are visibly sleeping outdoors. Additionally, there have been legal challenges to cities, counties and other jurisdictions which have not adequately addressed homelessness through the provision of overnight shelter accommodations. Finally, the Governor's budget in FY 18-19 and beyond has made a significant investment in housing and homeless funding.

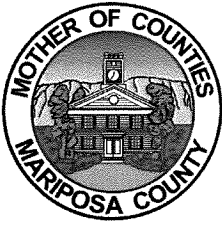
The Mariposa County Board of Supervisors adopted the 2014-2019 Housing Element Update (October 25, 2016) as well as the Comprehensive Housing Program Implementation Study (June 18, 2018), a document which outlines the significant need for the addition of affordable housing. Although this is the ultimate solution to address homelessness in our community, it will take several years to achieve the level of housing necessary to meet the need.

In the meantime, an emergency shelter solution is critical. Homeless community members currently do not have a place to legally place their tents without finding themselves either on public lands, that have public outward facing functions, or on private property. Additionally, there is nowhere to safely store their belongings so they may spend their days seeking work or obtaining services. The lack of accessible facilities for the homeless community, especially after hours, poses a public health risk. Additionally, the temperatures have dropped significantly over the past couple of weeks during the nighttime hours, posing a health and safety risk.

On October 31st, 2018, Mariposa County's Public Health Officer, Dr. Eric Sergienko, declared a Health Emergency surrounding the issue of homelessness. Other communities have noted health and safety risks associated with not having adequate facilities for homeless communities. As a result, Health and Human Services began providing a temporary emergency shelter at the County owned Darrah School site, at the intersection of Darrah and Triangle Roads. Although multiple locations were explored, this location had been chosen due to the limited site work that needed to be completed for its temporary use, as well as its quick availability.

At this time, Health and Human Services is asking for approval to use County owned property near the Human Services Building to establish an emergency shelter solution for a period of one year. This will give the County time to develop a permanent sheltering solution. An application to the State of California's Homeless Emergency Aid Program for a permanent solution is being compiled and submitted through the Central Sierra Continuum of Care on behalf of Mariposa County.

The emergency shelter solution will be placed on an approximate one acre portion of the property, at the end of Lemee Lane, nearby the Mariposa County Human Services building and across the street from the Mariposa County Detention Facility. Once complete, the property will have a warming tent/shelter, tent pads for outdoor camping, adequate drainage, port-a-potties, a water source, and eventually a mobile shower unit. By the Board of Supervisors declaring a "Shelter Crisis" on November 5th, 2018, the County is given flexibility to determine the appropriate health and safety standards, without complying with state or local laws or regulations that may prevent, hinder or delay the mitigation of the effects of the crisis. The County will ensure it meets minimum health and safety standards as set forth by the recommendations of the California Housing and Community Department.



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Mariposa County HHS will provide the oversight, staffing, services and funding necessary to manage the emergency shelter program.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

The County can choose not to support this effort and not to designate county owned land for this purpose. This will result in homeless individuals in our community needing to continue to camp on privately owned property or public lands. It has been demonstrated that this results in community complaints, as well as county staff time to monitor and mitigate the potential impacts to these properties where individuals find themselves forced to camp. A contained and well managed homeless emergency shelter will allow HHS and our partners to provide effective oversight and management of such a program.

### **FINANCIAL IMPACT:**

**It is estimated that the work to develop the site, the rentals/supplies necessary to meet the necessary health and safety codes, and overall program will not exceed \$100,000 for the period of time between November 1st, 2018 and October 31st, 2019. Realignment funding will be utilized to meet this need and there will be no cost to the County General Fund.**

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Menetrey