



City of Mission Viejo

Office of the Mayor and City Council

Edward Sachs
Mayor

Greg Rath
Mayor Pro Tem

Wendy Bucknum
Council Member

Brian Goodell
Council Member

Trish Kelley
Council Member

November 5, 2018

VIA US MAIL TO:

Honorable Charles Margines
Presiding Judge
Superior Court of the County of Orange, California
700 Civic Center Drive West,
Santa Ana, CA 92701

Ms. Birgit Sale
Foreperson
2018-2019 Orange County Grand Jury

VIA ELECTRONIC MAIL TO: grandjurysupport@occourts.org

Re: **Response to Ms. Birgit Sale, Foreperson, regarding response to 2017-2018 Grand Jury's findings and recommendations.**

Honorable Judge Margines:

We write to comply with the request of Ms. Sale, dated October 18, 2018, to augment the City of Mission Viejo's prior response to the 2017-2018 Grand Jury's findings and recommendations regarding the regional issues of homeless care and coordination. A copy of Ms. Sales' October 18, 2018 request is attached for your convenience.

In preface, and not as an element of the statutory responses, the issue of responding to the broad spectrum of the needs and strategies of the homeless is beyond the ability of any single municipality to solve. The funding for the response to homeless needs, and the governmental authority to do so, resides with the County of Orange. The County is the "hub" and central authority for mitigating homeless issues and, as such, an individual city cannot reasonably provide you a feasible or practical regional solution. Each city is, within its ability, participating in programs to respond to this regional issue and, as feasible, assisting its local homeless population with support, care, and services. That ongoing local service, coupled with each city's participation in regional solutions, is not able to be accurately described in the mandatory statutory responses. Therefore, despite our ongoing good faith and sincere efforts on both a regional and local level, we will have to select an "ill-fitting" statutory response.

Judge Margines
Response to Ms. Birgit Sale, Foreperson
November 5, 2018
Page 2

We have provided you this preface to ensure our statutory responses are not misunderstood as being callous or demonstrating unconcern or inactivity. Nothing can be further from the truth, but we must work within the constraints imposed upon us. Our prior response is factually correct, as is our preface above, and is the viewpoint the reader should utilize when considering our statutory responses and comments hereunder.

The City of Mission Viejo, for the reasons set forth above, and in its mutual response to the Orange County Grand Jury's inquiry, responds for each of the Recommendations R-1, R-2, R-4, R-6, R-7, R-8, and R-9 as follows:

Pursuant to California Penal Code, Code section 933(b)(4):

The recommendation will not be implemented because it is not reasonable. The lack of the recommendations being presently reasonable is based on the need for a regional, County-wide, County-based and funded program. Absent a regional approach, homeless issues simply migrate from city to city, not being resolved, but still unreasonably consuming public treasury funds better used for a comprehensive solution. Piecemealed, patch-work efforts fail and allow the issues to continue and grow. Absent a thoughtful, County-wide strategy, piecemealed efforts are not reasonable or an aspect of good governance and prudent stewardship of public funds.

Sincerely,



Edward Sachs
Mayor

Attachment A

Attachment A

City of Mission Viejo Response to Findings: Orange County Grand Jury

- Finding 1: The City of Mission Viejo believe this to be true, but further believes that the remedial responses must consider the needs and circumstances present in each city. The County is best authorized and funded to address this county-wide issue.
- Finding 2: The causation underlying the number of available housing units for the chronically homeless is complex. We do not have adequate information to offer an opinion on this finding.
- Finding 4: The causation underlying the number of available housing units for the chronically homeless is complex. We do not have adequate information to offer an opinion on this finding.
- Finding 6: The City agrees with the first conclusion as to the interaction of the several public agencies, but disagrees with the conclusion as to “not fostering decision-making or action.” Many hours have been committed to addressing solutions and responses, including proposed legislation, site identification, and funding options. This collaborative effort should be recognized.
- Finding 7: The causation underlying the number of available housing units for the chronically homeless is complex. We do not have adequate information to offer an opinion on this finding.
- Finding 8: The City of Mission Viejo does not agree with this finding in light of the many meetings and collaborative efforts to provide feasible and sustainable remedies to the issues involved in housing the chronically homeless.
- Finding 9: The City of Mission Viejo does not agree with this finding in light of the many meetings and collaborative efforts to provide feasible and sustainable remedies to the issues involved in housing the chronically homeless.
- Finding 10: The County of Orange should be the lead and responsible public entity that addresses the issue of the chronically homeless. Creating a new, independent entity would add layers of process to an already complex issue. SB442 may create such an entity, but it would be the cooperative effort of the County of Orange and participating jurisdictions.

FINDINGS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Where There's Will, There's a Way: Housing Orange County's Chronically Homeless," the 2017-2018 Orange County Grand Jury has arrived at ten principal findings, as follows:

- F1. Homelessness in Orange County is a regional problem requiring regional approaches and solutions.
- F2. The lack of a regional plan designating specific development goals for Permanent Supportive Housing contributes to an insufficient number of available units to house the chronically homeless.
- F3. The County's overreliance on unpredictable and inconsistent federal and state funding risks funds being unavailable for future Permanent Supportive Housing development and supportive services.
- F4. Cities' reluctance to provide sites for Permanent Supportive Housing development has contributed to overcrowded emergency shelters and an increased unsheltered homeless population.
- F5. A staffing shortage exists within the County Housing and Community Development Department impeding Permanent Supportive Housing development.
- F6. Service Planning Area meetings have successfully brought together city, county and non-profit entities to share information on homeless issues, but have not fostered decision-making or action.
- F7. NIMBYism has impeded the creation of housing for the homeless, including Permanent Supportive Housing, in the County of Orange.
- F8. Orange County cities and the County have engaged in blaming and finger-pointing, hampering the collaborative efforts needed to site, finance, and maintain Permanent Supportive Housing.

- F9. Cities have taken a silo approach to developing Permanent Supportive Housing, resulting in inefficient leveraging and pooling of funds across municipal borders.
- F10. There is no established, independent leadership body in the County empowered to address regional homeless issues in an effective manner.

Attachment B

Attachment B

Responses to the Orange County Grand Jury (2018) Recommendations:

- Response 1: The Cities, County, and regional organizations such as the Association of California Cities – Orange County (“ACC-OC”) and faith-based organizations are collaborating on responses to the issues. The unique circumstances of all jurisdictions, in the context of the Orange County homeless population’s needs are being reviewed in an effort to identify feasible and sustainable responses.
- Response 2: The South Orange County group of cities did so and presented an improved site, capable of responding to the immediate needs of the homeless population. This location is an out of service, County-owned, public school site in Silverado Canyon.
- Response 4: The Orange County Mayors and council members have been in attendance at the hearings in the Federal District Court, as well as at sub-regional meetings of mayors and City officials.
- Response 6: Mission Viejo carefully considers all opportunities and programs arising from governmental and private organizations and integrates the opportunities as is feasible and practical in the context of the City.
- Responses 7, 8, & 9: Legislation has been proposed which will directly further this scope of services and development. SB442 is currently being considered in the State Legislature. The legislation provides for the formulation of strategies and programs as referred in recommendation responses 7, 8, and 9.

RECOMMENDATIONS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Where There's Will, There's a Way: Housing Orange County's Chronically Homeless," the 2017-2018 Orange County Grand Jury makes the following nine recommendations.

To be completed by September 1, 2018

- R1. Orange County cities and the County should develop a Permanent Supportive Housing development plan, and should consider a plan structure similar to the proposal put forth by Association of California Cities – Orange County, that proportionally allocates sites among the cities. (F1, F2, F4, F7, F8)
- R2. Each Service Planning Area should identify sites for Permanent Supportive Housing proportional to the allocation suggested in the Association of California Cities – Orange County proposal. (F1, F4)
- R3. The County Executive Office should organize the agenda and content of the Service Planning Area meetings to promote collaboration between cities on Permanent Supportive Housing and other housing development. (F1, F4, F6, F8, F9)
- R4. Cities should ensure decision-makers fully participate in their region's Service Planning Area meetings. (F1, F6, F8, F9)
- R5. Orange County Community Resources should add an appropriate number of additional positions to the Housing and Community Development Department beyond the two currently budgeted to be optimally positioned for the increased Permanent Supportive Housing development that will likely arise. (F5)
- R6. Cities should collaborate with, and leverage the work done by, United Way on their "United to End Homelessness" public awareness campaign. (F7)

To be completed by June 30, 2019

- R7. To streamline shelter and Permanent Supportive Housing development, the County and its cities should establish a decision-making body, such as a Joint Powers Authority, that is empowered to identify and allocate sites and pool funding associated with housing and supportive services for the homeless. (F1, F3, F4, F7, F8, F9, F10)
- R8. Such a decision-making body should develop a comprehensive, regional housing business plan that identifies both the number of Permanent Supportive Housing units needed as well as the associated costs of renovating existing units or building new ones. (F1, F2, F3, F4, F8, F9, F10)
- R9. Such a decision-making body should propose a plan for securing local, supplemental sources of funding for both Permanent Supportive Housing development and associated support services. (F1, F3, F8, F9, F10)