

October 20, 2003

Foreperson
Marin County Civil Grand Jury
3501 Civic Center Dr., Room 303
San Rafael, CA 94903

The Honorable Lynn O'Malley Taylor
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988

Marin County Board of Supervisors Response to Civil Grand Jury Report: A Crisis Brewing? Housing for Public Health and Safety Employees
(June 30, 2003) FINDINGS

Finding 1:

The county, the cities and towns (the land-use authorities within Marin County) have neither identified nor defined those positions, both public and private, considered critical to the health and safety of the Marin community and which would be considered first responders in the event of a disaster. They have not developed a priority ranking for "close-by housing" based upon critical needs during a disaster.

Partially Disagree.

Following the terrorist events of September 11, 2001, the definition of a "first responder" has been revised numerous times. "In addition to firefighters, law enforcement officers, and emergency medical service staff, first responders may now include any personnel who may provide services to victims or in support of other responders on-scene or at another location." As noted by the County of Marin, this definition was first spelled out in the National Strategy for Homeland Security (2002), from the Department of Homeland Security. Such a broad definition of First Responders could include:

- * Firefighters
- * Law Enforcement Officers
- * Emergency Medical Service staff (EMTs, paramedics)
- * Hospital staff
- * Public Health employees

- * Emergency managers
- * Hazardous materials teams
- * Urban Search and Rescue teams
- * Search and Rescue teams
- * Public Works crews

Compatible with the Marin Operational Area Emergency Operations Plan, the City of Novato has prepared an Emergency Operations Plan (EOC). The EOC incorporates and coordinates personnel, resources and facilities of the City to deal with any foreseeable emergency. In addition to first responders, a great number of support personnel are required when dealing with a major emergency. With the adoption of an EOC, the City of Novato has identified and trained over 40 support personnel, including, but not limited to, staff from Public Works, Community Development and Community Services.

Regarding a priority ranking for appropriate public sector staff and "close-by housing" in the event of a disaster, the City of Novato has taken a very active step. In April of 2001, prior to the terrible events of September 11, 2001, the City Council approved the Hamilton Affordable Workforce Housing Resident Selection Plan, which applies to one-third of the 648 affordable homes being constructed on lands formerly known as Capehart/Hillside at Hamilton. The Plan obligates the developer to offer 216 (one-third of 648) affordable homes, first, to public sector employees that serve the City of Novato as well as other agencies in the County. More specifically, the list of eligible employees includes staff for Novato's Police Department, and for the Novato Fire Protection District.

Finding 2:

The county, the cities and the towns have not quantified the housing needs of the Marin community with respect to those who are considered first responders.

Partially Disagree.

As described above, in April of 2001, the City of Novato adopted the Hamilton Affordable Workforce Housing Resident Selection Plan. Less a specific analysis of quantified needs, the Novato City Council, through its findings for adoption of the Plan, clearly identified the need to provide affordable housing for appropriate employees to address public safety and emergency services. Less quantified data applicable to first

responder personnel, the Plan is an active step in providing a minimum stock of 216 local, affordable homes and makes them available first to public sector employees, which includes all employees working for Novato's Police Department, and for the Novato Fire Protection District. Both police (law enforcement officers) and firefighters are considered first responders.

Finding 3

The county, the cities and the towns have not exercised their legislative authority to develop policies leading to programs making housing affordable to first responders.

Disagree.

The Novato Housing Element update, adopted in March of 2003, includes a program, Program 11.C, Government Employees Housing, which specifically identifies the importance of implementing the Hamilton Affordable Workforce Housing Resident Selection Plan. As noted above, the Plan, which is being applied to the affordable housing currently under construction within Capehart/Hillside will offer at least 216 of the 648 affordable homes to public sector employees first, which includes first responder personnel. It should also be noted that first responder personnel are also eligible to apply for any of the remaining 432 affordable homes at Capehart /Hillside as these homes are available to any income qualifying household.

Through the Hamilton Affordable Workforce Housing Resident Selection Plan, Novato has successfully implemented applicable programs resulting in the construction of housing affordable and available to first responders. However, it should be noted that future programs legislated at the local level that create preferences for first responders or public safety employees may be faced with legal challenge based on Federal and State laws regarding fair housing.

Finding 4:

Eighty percent of the county law enforcement employees live outside Marin.

Partially Disagree.

The City of Novato has not conducted a recent housing survey applicable to local law enforcement housing. However, according to a 2002 study conducted by Marin County, although 80% of law enforcement employees who chose to respond to a recent housing survey identified themselves as living outside of Marin County, a more precise review of all employees of the County who fall under the national definition of homeland security responders provides the following statistics:

- * 17.4% of the Sheriff's Sworn Staff live within Marin County
- * 35.9% of Marin County Firefighters live within Marin County
- * 66.7% of Public Health Employees live within Marin County
- * 34% of Roads Maintenance personnel (crucial in maintaining access ways for disaster workers) live within the County
- * 39% of the County's Communication Dispatchers (crucial in deploying safety responders during an incident) live within the County.

Based on the county data, and Novato's geographical location at the northern limits of the county, it is probable that the percentage of law enforcement housing located outside of the county are slightly higher than law enforcement personnel for Marin County.

RECOMMENDATIONS

Recommendation 1: At a minimum, the county should take the lead and, with the co-operation of the cities and towns, develop definitions for the positions of first responders and establish a rank order of their need to be close by in time of crisis.

Recommendation #1 requires further analysis.

A formal definition of "first responder" to be used throughout Marin County first needs to be developed and agreed upon by every jurisdiction. Given the variety of potential crisis (flooding, earthquake, fire, terrorist attack - including bioterror etc), key positions needed could vary greatly. A county-wide ranking system would need to be very dynamic to respect the range of potential crises and respective first responders, while addressing priority staffing levels for key services (police, fire, water, sewer, hospital, public works etc) at both the local level and county-wide.

Through the City's existing funding to the County for emergency operations training/services, the County's Disaster Council could add to its agenda a work plan to develop a countywide definition for first responders that achieves consensus by all jurisdictions. Similarly, the Disaster Council could also research the feasibility of a ranking system for housing of first responders. To meet the Grand Jury's time line, these matters should be placed on the County's Disaster Council agenda before December 30, 2003.

Recommendation 2:

The county, the cities and the towns should provide these definitions to both public and private organizations and obtain from them a

quantification of housing needs for positions identified as first responders in their various communities.

Recommendation #2 requires further analysis:

If the county, cities and towns move forward in developing a definition for first responders and a ranking system, it is likely that the establishment of a ranking system would include outreach to public and private organizations to identify and quantify the housing needs of key staff. Again, a county-wide ranking system would need to be very dynamic to respect the range of potential crises and respective first responders, while addressing priority staffing levels for key services (police, fire, water, sewer, hospital, public works etc) at both the local level and county-wide.

To meet the Grand Jury's time line, this matter should be placed on the County's Disaster Council agenda before December 30, 2003.

Recommendation 3:

The county, the cities and the towns should work with each other and with other public and private organizations within Marin County to develop overarching policies that will enable first responders to be able to live within a reasonable distance in or near the community in which they work.

Recommendation #3 requires further analysis:

The County's Disaster Council could add to its agenda a work plan to develop universal policies to facilitate the creation of housing within each community and/or housing within a reasonable distance. Universal consensus of said policies by all agencies and private organizations should be a primary goal. To meet the Grand Jury's time line, this matter should be placed on the County's Disaster Council agenda before December 30, 2003.

As discussed following each Findings above, Novato, through the Hamilton Affordable Workforce Housing Resident Selection Plan, has successfully implemented applicable policies and programs resulting in the construction of 216 local, affordable, homes available to public and private personnel that will likely qualify as first responders (e.g. the Plan includes public works, police, fire, sanitary, water and hospital staff).

Should you have any questions concerning the City of Novato's responses to the findings and/or recommendations, please contact Hans Grunt, Senior Planner at (415) 897-4342.

Sincerely,

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City Manager

cc: Mayor and City Council Members
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