

Public Correspondence regarding Measure B - January, 27 2021

January 26, 2021

[Forward] Ms. Bailey: Regarding Agenda Item 3(c) at tomorrow's Measure B meeting (consideration of old Howard hospital as a PHF), please include this letter from Little Lake Fire Chief Chris Wilkes to Supervisor Haschak, as part of the packet given to the committee members and also as public input.

Mr. Wilkes is in emergency fire training in Sacramento and cannot speak in person. Please let me know if someone needs to read the letter in person at the meeting.

Barron ("Bear") Kamoroff
272-3472

...

Sent: Monday, January 25, 2021 8:05 PM

To: John Haschak

Cc: bellsprings@att.net ; Ted Williams ; debbieclark@pacific.net

Subject: Measure B Meeting

Good Evening Supervisor Haschak,

I'm writing this email tonight in regards to an agenda item on Wednesday's Measure "B" Committee meeting. It appears the consideration of the old Howard Memorial Hospital property is back for discussion. I find this very hard to believe (or fathom for that matter) since I have not been contacted over my concerns that I have historically had over EMS and first responder response and the overall impact on emergency services within the Little Lake Fire Protection District. It is not possible that a true/honest study could have been completed that provides prudent, vital information without the inclusion of those that provide the service. If emergency response has been addressed within a study I would hope that information would not have to trickle down to our local first responding agency. The agenda item states, "*1. Item 3c) Discussion and Possible Action regarding the Existing Facility Located at 1 Madrone St., Willits, CA for Potential Use as a Psychiatric Health Facility via the Kemper Ad Hoc Committee*". I want to be very clear, the Kemper Ad-Hoc Committee has zero information on your local first responding agency and the impact a facility like this would have. My personal guess is they do not realize the fire department is a volunteer response that is already stressed to the maximum.

I would strongly suggest this item be tabled until the Mendocino County Board of Supervisors and the Measure "B" Committee can receive vital information from all players and make strong decisions based on community wishes, local impact, and especially the impact to emergency services.

If good money and time have been spent using the Kemper Ad-Hoc committee it was a waste, because it is impossible they have included some of the most important details. Shame on them.

[Fire Chief Chris Wilkes]

January 24, 2021

The "MENTAL HEALTH TREATMENT ACT" Measure B passed in Nov. 2017

The Mental Health Treatment Act Citizens Oversight Committee is formed and has a first meeting on January 24, 2018

The Measure B Committee makes recommendations to the Board of Supervisors

The BOS is the deciding entity

Measure B Committee Agenda January 27, 2021

1. Item 3c) Discussion and Possible Action regarding the Existing Facility Located at 1 Madrone St., Willits, CA for Potential Use as a Psychiatric Health Facility via the Kemper Ad Hoc Committee.

Measure B Committee Agenda March 28, 2018

4. Report to Committee from the Facility Ad Hoc Committee with Discussion and Possible Action. Members Miller, McGourty, and Angelo will report their findings to the committee of all the preparation work that has been done to date on the old Howard Hospital site in Willits to be considered for a crisis psychiatric facility including an explanation of different types of facilities and staffing required.

This feels like a replay of March 2018 when the oversight committee had an agenda item to take possible action on placing a Psychiatric Health Facility in the old Howard Hospital building. The Citizens Oversight Committee once again has put forth discussion on a lockdown Psychiatric Health Facility (PHF) at the vacant Howard Hospital, address 1 Madrone St., Willits.

The new Adventist Health Hospital construction was completed in September of 2015, and the old Hospital became vacant. The Howard Foundation (owners of the Frank R. Howard Memorial Hospital) President Margie Handley and County CEO Carmel Angelo had worked on a county occupation/ownership plan since 2010. The foundation had consulted a construction firm that estimated remodeling the building (not including structural estimates) would cost somewhere upwards of 14 million, in 2017 dollars. March 2018, the foundation, CEO Carmel Angelo (along with other committee members), and Chair Sheriff Allman presented their plan for a Psychiatric Health Facility at Howard Hospital to the Measure B Citizens Oversight Committee. Local citizens and the City of Willits were not consulted but rather found the information in the Measure B Committee meeting agenda packet.

At the 2018 March meeting, the Willits fire chief, police chief, city manager, council members, school board president, neighbors, property owners, citizens, and a physician attended and voiced their concerns about the ramifications of such a lockdown facility in the heart of our community and the strain on services and the community fiscally. The committee stepped back and decided to get a professional study on what should be done, with the *projected* 38 million collected in taxes over the 5-year period. Kemper Consulting Group was hired and their report was presented in August 2018.

The history of the committee and Board of Supervisors is a long tale with 3 years now gone by. At the heart are the specifics of Measure B and The Kemper Report commissioned by the committee. Part of Measure B states: No Less than 25% of revenues collected will be spent on services. No More than 75% will be spent on structures, with a direct initiative for a PHF. This language allows for more than 25% to be spent on direct mental health services and drug addiction.

The Kemper report stated implementing mental health services on the front end would bring the number of daily PHF 5150 patients to an average handled with an 8-bed unit. The majority of the patients/individuals are from the Ukiah area and the coast. It is the practice of such facilities, to directly release patients out the front door. Some are fortunate to have families who will pick them up, but with 40% of patients homeless, these individuals will be released from care into the Willits neighborhood/community. A 16-bed facility is a usual capacity for a PHF to be financially viable. While the county may currently have this many patients to keep the facility at capacity, the reality will likely require occupancy from out of county residents.

Quote from the Measure B argument for passing the initiative:

Vote YES on Measure B to improve the quality of life for everyone in Mendocino County by providing essential mental health services to Mendocino County residents who need them.

Currently, 3rd District Supervisor John Haschak, Willits representative, has been speaking with the Measure B Committee and some city officials. He is supporting and promoting the old hospital as a PHF. As of January 25, 2021, he has not spoken to the neighborhood property owners and residents who would be directly impacted by a lockdown facility of this type. Make no mistake, a Psychiatric Health Facility (PHF) is a lockdown. 12–15-foot chain link fencing will surround the structure as it houses the severely mentally ill.

There are many layers to the directional focus of this measure. In our opinion, the Old Howard Hospital at over 90 years old would be a money pit. The committee has a fiduciary obligation to allocate the money to best serve the goals. Remodeling and remediation of this facility are cost insecure.

There has been speculation this will bring high paying jobs. It has been shown the medical professionals required to operate such a facility often do not live in the rural communities but commute on a rotating basis. That is a common practice for hospitals in rural areas as a matter of necessity. The County Mental Health Department has not had a resident Psychiatrist since 2011. Then there is the life span of PHF units (Ukiah's closed in 1989). Some have managed to stay operationally in the black when located in population centers and close to other support services. Ukiah is going to be the location of a Crisis Residential Treatment Facility with a shelter for homeless families located next door in a purchased Best Western Hotel. Logic would dictate having the PHF logistically located. (Ukiah has 68% of the homeless population, Fort Bragg 30%, and Willits 2%. *See Dr. Mills Matheson's Statistics below*.*)

We encourage each of you to ask questions. We may be able to answer them or guide you to the facts and information.

Many times, we've heard the comment, why didn't we know about this, when the government has made a decision impacting our lives, livelihood, homes, families and community-please add your voice.

Debbie and Charlie Clark
(707) 459-5230

The January 27 Measure B Agenda will be Held on Zoom at 1:00pm. You can find the agenda with the instructions to join the meeting here:

<https://www.mendocinocounty.org/community/mental-health-oversight-committee/agendas-and-minutes>

***Subject:** PHF/ old Howard Hospital

Amid this pandemic, it seems odd to be writing about a PHF at old Howard Hospital in Willits but I understand that this is again being discussed.

My main concern is that Willits does not have the infrastructure to deal with the seriously mentally ill homeless patients who will move to Willits from Ukiah and Fort Bragg once we have a PHF in Willits. But this can be mitigated.

To model the situation, assuming an average stay in a PHF of 7 days, (range in California 6 to 11 days), a 16 bed PHF will generate 832 admissions and discharges in a year. 333 (40%) will be homeless patients. In Marbut's homeless count in Ukiah, Fort Bragg, and Willits, the Ukiah area had 68% of the homeless, Fort Bragg 30%, and Willits 2%.

This means that the PHF in Willits will be discharging 226 mentally ill homeless who came from Ukiah, 100 from Fort Bragg, and 7 from Willits.

Most will go back to where they were living, but some will stay in Willits especially if the PHF site offers aftercare outpatient services as proposed on the original site plan. Assuming that 20% stay in Willits, that means that Willits must serve 65 mentally ill homeless patients per year instead of the 7 current homeless.

Willits does not have a homeless shelter or a daily feeding program. These could be created by buying one or two Main St motels and buying one of the closed restaurants. Additional police could be hired. But funds must be available to do this.

Footnotes. Many think that Marbut undercounted the homeless. However, he used the same definition and method for each town so the relative % used in the model is probably correct.

The model assumes no repeat admissions because I could not find this data.

The number of 5150 referrals from the Ukiah, Fort Bragg, and Willits hospitals would help confirm my estimates of where the PHF admissions come from. That data is available but not at hand.

Mills Matheson

Dear Measure B Committee,

According to the minutes of your July 2020 Measure B committee meeting, the Committee ordered that the Mobile Crisis Team that was funded by Measure B money would be evaluated in six months.

"Committee Action: Upon motion by Ms. S. Riley, seconded by Mr. T.

Allman, IT IS ORDERED that the Mental Health Treatment Act Citizens Oversight Committee recommends to the Board of Supervisors that they support the development of a Mobile Crisis Team in partnership with local law enforcement to be reviewed in six months and allocate Three Hundred Forty Thousand Dollars (\$340,000) per year for 4 years to fund three Mental Health Rehabilitation Specialist for the Mobile Crisis Team program."

Six months later would be January 2021.

However, the January 27 meeting agenda does not mention the Mobile Crisis Team(s).

Please explain why it's not there and when the ordered review will take place.

Also, when it's discussed, please include:

- 1) a report of how much of the authorized \$340k Measure B money has been spent on this item so far;
- 2) how many of the three funded crisis teams are in service;
- 3) When the units are planned to be put into service and where.
- 4) When the next review will be conducted.

Thank you.

Mark Scaramella
Boonville
707/895-3016

[Response Sent. The service was approved by the BOS August 28, 2020]

A May 2018 Ordinance from the City of Willits:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLITS ASSERTING ITS RIGHTS AND OBLIGATIONS RELEVANT TO THE PROPOSED CONVERSION OF THE FORMER HOWARD MEMORIAL HOSPITAL BY THE

COUNTY OF MENDOCINO TO OPERATE AN ACUTE PSYCHIATRIC HOSPITAL OR PSYCHIATRIC HEALTH FACILITY; REQUEST FOR NOTICE AND PARTICIPATION IN THE EVALUATION AND APPROVAL OF SUCH USE; REQUEST THAT ANY SUCH USE CONFORM WITH APPLICABLE LAWS AND REGULATIONS OF THE CITY OF WILLITS; AND REQUEST FOR PRODUCTION OF PUBLIC RECORDS

Introduction The City Council is informed that the County of Mendocino proposes to acquire and to use the former, and now vacant, Howard Memorial Hospital site ("Site") to operate a state licensed 32 bed acute psychiatric hospital or other psychiatric health facility primarily to admit patients, on an involuntary basis, in a secure, locked down unit, for observation and emergency treatment pursuant to the authority of the Lanterman-Petris-Short Act (Welfare and Institutions Code, Division 5, §5150) to determine whether, as a result of a mental illness they are gravely disabled and are unable to provide for their basic needs, or otherwise pose an immediate danger to themselves or to others (the "Project"). The Council is further informed that the intended use of the Site would extend beyond the needs of Mendocino County, and may include admitting patients from other nearby counties within the region, including Marin County.

The City of Willits, however, has not been consulted by the County in any planning process for the approval of this Project and therefore has no direct information concerning the size and scope of the Project or any details including the proposed bed count or planned aesthetic improvements or security features. The Council adopts this resolution to assert its legal basis to comment and participate in the County's evaluation and potential approval of this Project and to assert the Council's intention to require that the Project be subject to Willits City Codes and regulations and the City's land use authority.

WHEREFORE, the City Council of the City of Willits makes the following findings and statements: Recitals Title 22 of the California Code of Regulations (22 CCR §71005) defines an "acute psychiatric hospital" to include a hospital "that provides 24-hour inpatient care for mentally disordered, incompetent or other patients referred to in Division 5, commencing with §5000, of the Welfare and Institutions Code." The City is thus informed and believes that the facility that the County proposes to operate at the Site for W&I Code §5150 psychiatric observation and emergency treatment is an "acute psychiatric hospital" and is therefore subject to applicable state regulations and licensing requirements.

1. In order to operate an acute psychiatric hospital at the Site, the County must first submit an application and receive a license from the CA State Department of Health Services (22 CCR 71103 and 71105). Further, "...a license shall not issue to any hospital which does not conform to the regulations in this chapter; state requirements on seismic safety, fire and life safety and environmental impact and local fire safety, zoning and building ordinances. Evidence of such compliance shall be presented in writing to the Department.
2. The City Council is informed and believes that (1) the Site does not comply with state requirements on seismic safety, and that it is not economically practical to achieve compliance. Further, this seismic safety deficiency was one of the major factors that led to the closure of the Site as an acute care hospital and to its relocation; and (2) Conversion of the Site to construct a state licensed acute psychiatric hospital would not conform with the City's zoning ordinance and current zoning designation, may require a general plan amendment, rezone and satisfaction of a conditional use permit to address local fire, safety and building ordinances, and mitigation of environmental, aesthetic, public safety and other

impacts to the community. For the type of use contemplated for the Site the City has reserved its right to exercise discretionary approval and mitigation of impacts.

3. In the event that the County's proposed use of the Site is not to operate an "acute psychiatric hospital" pursuant to Title 22 CCR, Division 5, chapter 2 and the proposed use is instead to operate a "psychiatric health facility" pursuant to chapter 9 of Title 22 CCR, Division 5, both of these facilities must satisfy local, fire, safety, zoning and building ordinances before a license will be issued. (See Title 22 CCR §77039 concerning licensure of psychiatric health facilities).

4. The Site is in close proximity to three schools for children: Blosser Lane Elementary, 1275 Blosser Lane; New Horizons Independent Study, 1277 Blosser Lane; and Baechtel Grove Middle School, 1150 Magnolia Avenue. The Site is also surrounded by many residential homes in close proximity. The Counsel has received numerous public comments from residents and from school officials about having this secure, lockdown facility, enclosed and fortified with barbed wire or razor ribbon capped chain link fencing, in this quiet residential neighborhood frequented by children living in the area and by students walking to and from school. The Council shares these concerns as well as the concerns of property owners who fear that the project would result in declining property values. While the Council requires additional information about the Project, and potential mitigation measures, a preliminary observation is that there must be a better location for such a facility elsewhere in the County that would pose fewer land use conflicts or and be more compatible with surrounding land uses

5. In addition to the County's obligation to satisfy the City's fire, safety, zoning and building codes, pursuant to state licensing regulations, the City has the further and independent constitutional right and obligation to make and enforce land use and zoning regulations pursuant to the City's general police power. (See Cal. Const. at XI, section 7). This police power allows cities to establish land use and zoning laws that govern the development and use of the community. In *Village of Belle Terre v. Boraas*, (1974) 416 U.S. 1, the U.S Supreme Court addressed the scope of such power and stated: "The police power is not confined to elimination of filth, stench and unhealthy places. It is ample to lay out zones where family values, youth values, and the blessings of quite seclusion and clean air make the area a sanctuary for people."

6. While the Government Code generally provides both cities and counties with an intergovernmental immunity from the others' applicable building and zoning ordinances, that immunity cannot be absolute. That immunity cannot be exercised in an indiscriminate and injudicious manner to allow the County to construct and operate any public facility at any location it desires within the City, and without regard to the impacts and hardship that neighboring property owners will endure. Further, this immunity cannot apply to the subject Project. Conversion of the old hospital to a State of California approved and licensed psychiatric facility is subject to State of California regulations that explicitly require compliance with the City's building and zoning ordinances. The state has completely occupied the field of regulating and licensing state approved psychiatric facilities, and any immunity otherwise available to the County pursuant to Government Code sections 53090 and 53091 is preempted by the State regulations cited above.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Willits hereby orders and resolves that: This Resolution be delivered to the Mendocino County Board of Supervisors with the request that the Board: I. Provide to the Council the following written assurances: (a) That the City of Willits will receive due notice and the right to participate in the County's continuing evaluation and approval process of the

subject Project; (b) That the County acknowledge and confirm that the Project approval and the County's licensure to operate a psychiatric facility at the Site is subject to the City's fire, safety, zoning and building ordinances and to the City's general land use authority; (c) That before making any decision to approve the location of a site for the operation of a County psychiatric facility, the County will first perform a detailed study on the financial feasibility of such a site in Willits, including the likelihood and costs of attracting enough physicians and other mental health professionals to ensure that the facility is appropriately staffed by licensed personnel on a 24 hour basis; and (d) That before making any decision to approve the Project at the site of the former Howard Memorial Hospital, the County will first perform a detailed study on the likely and potential effects and impacts to both the City of Willits generally, and to the residents and business in the vicinity of the site. II. Provide to the City the following records: Copies of any existing written agreements, proposals, letters of intent or other records by or between the County of Mendocino, its employees or elected official and the Howard Hospital Foundation concerning the proposed use of the former hospital site for operation of a psychiatric facility, including the use of Measure B funds for such purpose, and including any descriptions of the size, scope and operation of the proposed facility. Please consider this request as a request made pursuant to the CA Public Records Act under Government Code section 6250, et seq.

End Correspondence