

PUBLIC AND SUPPORT SERVICES COMMITTEE

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PUBLIC AND SUPPORT SERVICES COMMITTEE

Introduction

The County Public and Support Services Group (PSSG) was formed during a reorganization of the County, and approved by the Board of Supervisors in April 2005. The Public and Support Services Committee of the Grand Jury was assigned the responsibility of investigating the departments that provide services to the general public or internal support to other county departments. Those departments include:

Agriculture/Weights and Measures	Libraries
Air and Water Quality	Museums
Animal control	Public Works Department
Architecture and Engineering	Real Estate Services
County Airports	Regional Parks Department
County Fire Department and Fire Districts	Registrar of Voters
Environmental Health	Water Districts
Facilities Management Department	Cities/Municipalities
Fleet Management Department	Special Districts
Land Use Services Department.	School Districts and Community College Districts

Subcommittees were formed and the following departments/agencies were reviewed:

Code Enforcement	Seven Oaks Dam
County Fire	Solid Waste Management
Fleet Management	Transportation/Road
Parks and Recreation	Water Districts
Registrar of Voters	

Reports were written on:

City of San Bernardino - Parks and Recreation
Code Enforcement

CITY OF SAN BERNARDINO

Parks and Recreation

BACKGROUND

In November, 2011, members of the Grand Jury conducted a tour of the parks in the city of San Bernardino to investigate the general condition of parks in the inner city and outlying areas. Many parks in the inner city were found to be in a state of decline with dead or dying grass, shrubbery, and trees, along with graffiti, trash and debris. Also present was a homeless population living, squatting, and pan-handling.

Parks in outlying areas were found to be well maintained, with beautiful grounds, clean and an absence of homeless populations.

Grand Jury members met with the administration of the San Bernardino City Parks and Recreation Department to discuss the general state of decay and decline in some parks; and why this condition does not apply to parks in other parts of the city.

FINDINGS

1. In 2007 the department was under-funded by \$2 million. In 2009 the budget was cut by an additional \$2 million, allowing only one maintenance person per 60 acres. The standard is one maintenance person per 10 acres. The current budget is \$5.3 million. Expenditures from this budget are for maintenance, personnel, recreation, senior programs, human services and administration. City Parks and Recreation applied for statewide park development funding.

In areas where there are newer homes and parks, volunteers assist with park maintenance. Residents have pride in their parks. Older parks in other parts of the city have large homeless and transient populations.

2. The San Bernardino Police Department and the Parks and Recreation Department are aware of the homeless and transient populations.

RECOMMENDATIONS

- 11-31 Continue to seek funding and provide additional staffing for park maintenance personnel. (Finding 1)
- 11-32 San Bernardino Police Department to dissuade the homeless and transient populations from gathering in the parks. (Finding 2)

COMMENDATION

The Grand Jury commends Kevin Hawkins, Director of Parks and Recreation Department, and his staff for providing quality services, programs, and activities for the City of San Bernardino, despite the city’s financial problems. The Parks and Recreation staff is committed to providing the residents of San Bernardino an opportunity to enjoy leisure and recreational activities.

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Date Due</u>
San Bernardino City Council	11-31, 11-32	August 30, 2011

CODE ENFORCEMENT

BACKGROUND

County Code Enforcement is an organization that responds to, and investigates, code enforcement complaints. California law requires each County to develop and maintain a General Plan. The General Plan includes land development, protection of natural resources, and environmental issues. The General Plan also sets forth a series of rules (codes) prescribing how the plan is administered.

In San Bernardino County the Land Use Department is responsible for overseeing adherence to the General Plan through the Code Enforcement Division in the Land Use Department. The County Land Use Department had a reduction of 47 employees in the last two years. The Code Enforcement Division now has seven full-time code enforcement officers responding to citizen complaints.

In late 2009, a concerned citizen filed a complaint with the 2009-2010 County Grand Jury regarding alleged inappropriate removal of Joshua Trees, a protected species of plants under Federal and State law (1981 California Desert Native Plants Act – California Food and Agriculture Code Division 23, Chapter 3). Joshua Trees are a member of the lily family whose biological name is *Yucca Brevifolia*. It is native to the dry, sandy soil of the Mojave Desert, which stretches from Southern California into Arizona, Nevada and Utah. The plant has a bark-like trunk and can grow to heights of 15 feet or more. It can only grow in elevations of 2,000 to 6,000 feet Mean Sea Level (MSL).

Following a review of information received from the 2009-2010 San Bernardino County Grand Jury, this Grand Jury decided to investigate the code enforcement activities related to Joshua Trees. In early February 2011, a letter of inquiry from the Grand Jury to code enforcement officials of the desert cities of Victorville, Apple Valley, Hesperia and Twenty-nine Palms was sent seeking information about their activities with respect to the Native Plants Act (Joshua Trees specifically) and any statistics regarding violations.

In January 2011, the Grand Jury added illegal dumping and graffiti to its investigation after meeting with the County Code Enforcement personnel.

FINDINGS

Joshua Trees

1. The county receives approximately 400 code enforcement complaints per month. That number covers a variety of complaints, including Joshua Trees.
2. There are three code enforcement inspectors who respond to Joshua Tree code violations.
3. When a Joshua Tree code violator is caught, three courses of action may be taken:
 - criminal citation
 - administrative citation
 - civil remediation

The first two citations can result in fines up to \$500. Civil remediation requires a court appearance where more serious penalties may be imposed. There have been no civil court actions filed by the County in seven years.

4. When a Joshua Tree code violation involves only a few trees it is referred to the Environmental Planning Division of the Land Use Department. When clearing land for a major development, the Building and Safety Division responds. An inspector can issue a “stop-work” order on the project until the situation is resolved.
5. The County Code Enforcement Division does not keep a database of Joshua Tree code violations.

6. The City of Victorville has a Joshua Tree inspection application process in its code enforcement operation for the protection and preservation of the plant. There were no reported violations during the years 2007 through 2010.
7. The Town of Apple Valley enforces Joshua Tree protection under its Development Code (Section 9.76.040) which provides the criteria for a permit process to remove or relocate trees. A certified arborist must provide a written report on the condition, and any recommendation for removal of Joshua Trees. This report accompanies the permit application. Apple Valley furnished copies of code violations which resulted in citations and fines, but no totals for the years 2006 through 2010.
8. The City of Hesperia has a Protective Plant Ordinance (Municipal Code Chapter 16.24) which addresses the removal and relocation of Joshua Trees. Developers are required to prepare a Protection Plan for Plants which covers Joshua Trees and other species, after which a permit is issued for grading purposes. The Community Development Department (Building & Safety and Planning Division) inspects for compliance. Only one case of non-compliance was reported for the period of 2006 through 2010. A citation was issued and a fine paid for the violation.
9. The City of Twenty-nine Palms did not respond to the Grand Jury's request.

Illegal Dumping

1. The county has established a surveillance program of illegal dumping areas through the use of infrared video cameras. The cameras are set up to record activity in a given area. The county has 90 cameras available.
2. Violators of the county code against illegal dumping are identified through the license plate numbers at the scene, or faces of individuals present. The license

plate numbers are traced through DMV records. When plate numbers are not visible, an image of the individual is used and put on a county poster circulated in the affected area. Local law enforcement agencies receive the poster and citizens can call a County 800 number.

3. Penalties for illegal dumping are much the same as other violations; criminal citations, administrative citations, or civil remediation. The most used penalty is the clean-up of the entire dumping site at the violator's expense.
4. In cooperation with County and local fire departments, County Code Enforcement helps with removal of hazardous materials.
5. Illegal dumping in county areas is handled by one county code enforcement officer.

Graffiti

1. The County receives approximately 43 calls a month regarding graffiti.
2. Enforcement of county codes against graffiti is handled through administration of two contracts (\$300,000 total) with private companies that specialize in graffiti issues. The contractors usually respond within 48 hours of a call and take photos of the graffiti before removal. The pictures are provided to the county and local law enforcement agencies to help to identify the perpetrators.
3. There is no single county code enforcement officer assigned only to the graffiti problem.
4. The county Code Enforcement Division does not keep a database on county graffiti code violations.

RECOMMENDATIONS

- 11-33 The County Code Enforcement Division staffing of code enforcement officers should be increased to adequately respond to the number of complaints. (Finding 2, 3 – Joshua Trees; Finding 1 – Illegal Dumping; Findings 1, 3 - Graffiti)

- 11-34 The County Land Use Department develop and maintain, for its Code Enforcement Division, a computerized system to properly document, categorize and retrieve information about county code violations by type. (Finding 5 – Joshua Trees; Finding 4 - Graffiti)

- 11-35 A uniform data exchange system be established between the county and the cities of Victorville, Hesperia, and the Town of Apple Valley in order to provide a more comprehensive picture of how laws are applied in County and local jurisdictions. (Findings 6, 7, 8 - Joshua Trees; Finding 2 - Graffiti)

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Date Due</u>
San Bernardino County, Code Enforcement Division	11-33 through 11-35	September 30, 2011
City of Victorville, Community Services	11-33, 11-35	September 30, 2011
City of Hesperia, Community Development	11-33, 11-35	September 30, 2011
Town of Apple Valley, Community Development	11-33, 11-35	September 30, 2011