



Addendum to 1999-2000 Grand Jury Final Report

2000-2001 Grand Jury
San Luis Obispo County

May 2001

County Government Center
San Luis Obispo, California, 93408
(805) 781-5188
www.slocourts.net

Explanatory Note

This Addendum is a compilation of the Responses to the Final Report of the 1999-2000 San Luis Obispo County Grand Jury.

It is published by the 2000-2001 San Luis Obispo County Grand Jury at the request of the 1999-2000 Grand Jury to ensure that the public is fully informed about these matters.

May, 2001

San Luis Obispo, California

To the Citizens of San Luis Obispo County:

The 1999-2000 San Luis Obispo County- Grand jury published the *1999-2000 Grand Jury Final Report* at the conclusion of its term of service on June 30, 2000. Agencies that were subjects of a report have 90 days to respond to the Report's recommendations. Agencies addressed their responses to the Presiding Judge of the Superior Court of San Luis Obispo County.

The Presiding Judge reviewed the responses and forwarded them to the 2000-2001 Grand Jury. We are following the customs and practices of previous San Luis Obispo County Grand Juries and are publishing the responses to make them available for public review and discussion.

The responses are in this document, the *Addendum to the 1999-2000 Grand Jury Final Report*. This year, we include a reprint of the Report's findings and recommendations to each agency. We added the reprints to make it easier for the public and local government officials to decide for themselves the adequacy of the responses.

Section 933.05(b) of the *California Penal Code* specifies what agencies shall include in their responses to Grand Jury recommendations. We quote relevant portions below:

[A]s to each grand jury recommendation, the responding . . . entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implementing action.*
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.*
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the . . . agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.*
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.*

The 2000-2001 San Luis Obispo County Grand Jury encourages you to review the *1999-2000 Grand Jury Final Report*. Copies are available at County Libraries and at the Superior Courts' website (www.slocourts.net). We encourage you to review the responses to decide if they are appropriate and complete. Our goal is to place the Report and agency responses into the court of public opinion for discussion. If you are satisfied with all aspects, that is excellent; if you are dissatisfied, then get involved. Contact our local government officials, write to our local newspapers, and call our local radio and television stations with your concerns.

Sincerely,

Helen J. Summerfield
Foreman, 2000-2001 Grand Jury

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CITY OF ATASCADERO – THE MACKEY PROJECT

FINDINGS

1. An application for development of the property on Traffic Way was submitted, with Mr. Mackey identified as the owner, when Union Pacific Railroad actually owned the property. The City supplied no documentation to the Grand Jury indicating the Railroad, or Mr. Gearhart after he purchased the property, or Mr. Mackey after he purchased the property, approved the application or designated anyone as an agent for purposes of property development.

2. a. The mechanism for adequate, potable water service was not yet determined when the project was approved by the City Council.

b. City Engineering advised City Planning the application should be considered incomplete until water supply requirements were satisfied. Although certain concerns of Engineering were included in the City Manager's Agenda Report to the Council, Engineering's view that the application should be considered incomplete was not included.

3. The Grand Jury found no evidence that any City official investigated or responded to the public's allegations of conflict of interest at the Council meeting of August 10, 1999. These allegations were sufficiently specific to cause concern.

4. The minutes of the August 10, 1999, Council meeting did not include any assertion during public comment that a member of the Council had a conflict of interest, even though at least three speakers stated Mr. Gearhart had purchased property across the street from the project.

5. At the August 10, 1999, Council meeting, the Council should have sent the Mackey Project back to the Planning Commission for reconsideration in light of information available to the Council, but not available to the Planning Commission, concerning the lack of AMWC water service and the effect of that upon affordability of the housing.

RECOMMENDATIONS

1. The City should require that applications for development projects be complete, including evidence of property ownership and agency to act for the owner, before processing proposals. The City should also require all material changes (e.g., ownership) to development proposals to be submitted in a timely manner.

2. a. The mechanism for provision of adequate, potable water service, not just the requirement for it, should be determined (after all necessary testing and governmental approvals) before developments are approved, as was recommended for the Mackey Project by City Engineering.
- b. The City should determine why this application was considered complete when City Engineering recommended otherwise.
3. Specific allegations of conflict of interest should be investigated promptly and fully by the City Council and appropriate staff. This should be adopted as a written policy by the City Council.
4. Significant public statements, such as allegations of conflict of interest by members of the Council, should be included in minutes of meetings, as critical to their accuracy and content.
5. When significant information regarding a development project is available to the Council, but either was not available to the Planning Commission or has changed substantially since the Planning Commission considered the project, the Council should return the project to the Planning Commission for reconsideration and recommendation before the Council acts upon it.

REQUIRED RESPONSES

Under Penal Code Section 933.05, the *City of Atascadero* is required to respond to each of the above Findings and Recommendations.



ceived
18-5-00

CITY OF ATASCADERO

CITY COUNCIL

September 27, 2000

Hon. E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, CA 93408

RE: The Grand Jury Report (June 26, 2000), City of Atascadero — The Mackey Project

Dear Judge Burke,

This letter serves as the response of the Atascadero City Council required under Penal Code section 933. The Grand Jury report contains factual errors that invalidate many of the findings and recommendations. Unfortunately the reliance on these facts discredits the report and eliminates any beneficial impact it may have had on the development process. The City contacted the Grand Jury prior to the release of the report to allow the Grand Jury to correct their factual errors. The following are a couple of examples of errors contained in the report:

On page 2 near the beginning of the report the Grand Jury states that "documentation provided by the City does not include any written consent from the Railroad for the development of the property, or for Mr. Mackey, Mr. Gearhart, or Mr. Faulkenstien to act on its behalf. The application submitted by Mr. Mackey is signed and designates Cannon Associates as agent for Mr. Mackey. A true and correct copy of this document was provided to the Grand Jury.

On page 7 of the report it states "Among the many people who spoke during the public hearing, three asserted that Mr. Gearhart had purchased property directly across the street from the Mackey project, and that Mr. Lerno therefore had a conflict of interest and should not vote". A review of the tapes clearly shows that no one at the meeting of August 10, 1999 said that Mr. Lerno had a conflict of interest and should not vote. There was talk of Kelly Gearhart buying property in the area, however, no one said the property was "directly across the street".

The City has reviewed the report and provides the following response. We have not attempted to separate the facts from the editorializing in the report, however, we have directed our response to the factual issue presented. Because of the factual errors contained in the report and the reliance of the Grand Jury on editorial statements, the City hereby requests that, pursuant to Section 929 of the Penal Code, the Presiding Judge make available to the City all of the evidentiary material,

findings, and other information relied upon by the grand jury to reach the conclusions, findings and recommendations concluded in the report.

Findings

1. An application for development of the property on Traffic Way was submitted, with Mr. Mackey identified as the owner, when Union Pacific Railroad actually owned the property. The City supplied no documentation to the Grand Jury indicating the Railroad, or Mr. Gearhart after he purchased the property, or Mr. Mackey after he purchased the property, approved the application or designated anyone as an agent for purposes of property development.

The respondent disagrees partially with the finding. The Grand Jury states that "the City supplied no documentation... (that) Mr. Mackey after he purchased the property approved the application or designated anyone as an agent for purposes of property development is not factual. The application submitted by Mr. Mackey is signed and designates Cannon Associates as agent for Mr. Mackey. A true and correct copy of this document was provided to the Grand Jury and is attached as exhibit 1. Therefore this finding is not true.

2. A. The mechanism for adequate, potable water service was not yet determined when the project was approved by the City Council.

The respondent disagrees wholly with the finding. The City Council conditionally approved the project. One of the conditions of approval was the adequate, potable water service.

The City Council was presented with a letter from the applicant's engineer that stated the intent of the applicant to develop the property with water service from the Atascadero Municipal Water Company. Absent service from the Water Company, the applicant indicated that a well would be provided for each lot. In either case, a mechanism for providing water service was identified. City regulations permit the construction and operation of domestic water wells provided they meet all applicable federal, state and local regulations. Likewise the applicant provided a water service plan prepared by a Licensed Civil Engineer. The City does not control nor may it direct the Water Company to provide service to property within the city limits. A mechanism for adequate, potable water service was determined when the City Council took action on the project.

- B. City Engineering advised City Planning the application should be considered incomplete until water supply requirements were satisfied. Although certain concerns of Engineering were included in the City Manager's Agenda Report to the Council. Engineering's view that the application should be considered incomplete was not included.

The respondent disagrees wholly with the finding. The Grand Jury fails to report that on May 21, 1999 the City Engineer "reviewed the information submitted by the applicant" and "find it acceptable" and provided the conditions of approval for the project, which were subsequently provided to the Planning Commission and City Council. The City Engineer had determined that the application was complete and therefore this finding is false.

3. The Grand Jury found no evidence that any City official investigated or responded to the public's allegations of conflict of interest at the Council meeting of August 10, 1999. These allegations were sufficiently specific to cause concern.

The respondent disagrees wholly with the finding. The Grand Jury based the finding on erroneous facts that invalidate Finding 3. The error first appears on page 7 of the report where it states "Among the many people who spoke during the public hearing, three asserted that Mr. Gearhart had purchased property directly across the street from the Mackey project, and that Mr. Lerno therefore had a conflict of interest and should not vote". In review of the actual tapes of the meeting and transcripts of the same, no one at the meeting of August 10, 1999 said that Mr. Lerno had a conflict of interest and should not vote. There was talk of Kelly Gearhart buying property in the area and no one said directly across the street from the Mackey project. The Grand Jury paragraph continues by saying "These assertions do not appear to have elicited any reaction from City officials ... (and) were not included by the Clerk in the minutes." Since the assertions were not made until the September 14th meeting they elicited no response on August 10th and did not appear in the minutes of August 10th.

Prior to the August 10th meeting and up to the September 14th meeting Ken Lerno had sought legal advice regarding potential conflicts of interest. He indicated that he had a report from his attorney that he had no conflict and felt he had a duty to vote on the project. All of the Council Members and key staff raised the conflict issue at various times either directly with Mr. Lerno or in a public meeting as evidenced by the minutes of September 14th.

When there was an assertion that a conflict existed at the September 14th meeting several officials took action which resulted in Ken Lerno retracting his vote. Council Member Luna asked several clarifying questions about conflicts as did Mayor Johnson. Immediately following the initial vote, the City Manager personally contacted Mr. Lerno and described the apparent conflict which caused Mr. Lerno to request a recess, consult with his advisors and retract his vote. The system worked.

Further, the City Attorney conducted an investigation at the direction of the City Council into the allegations that a conflict of interest had existed. Therefore, the statement that no evidence that any City official investigated the allegations is false.

Penal Code section 933.05(e) requires that "[d]uring an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental." The grand jury in this case never met with Council Member George Luna and did not meet with the City Attorney during the investigation. This glaring failure discredits the reasonableness of any such finding.

4. The minutes of the August 10, 1999, Council meeting did not include any assertion during public comment that a member of the Council had a conflict of interest, even though at least three speakers stated Mr. Gearhart had purchased property across the street from the project.

The respondent wholly disagrees with this finding. The minutes of August 10, 1999 are correct because there was no "assertion during public comment that a member of the Council had a conflict of interest." The minutes can only reflect what was actually said. The tape recording of the meeting has been reviewed, the minutes accurately reflect the discussion. No one said Mr. Lerno had a conflict of interest and should not vote.

5. At the August 10, 1999, Council meeting, the Council should have sent the Mackey Project back to the Planning Commission for reconsideration in light of information available to the Council, but not available to the Planning Commission, concerning the lack of AMWC water service and the effect of that upon affordability of the housing.

The respondent disagrees fully with this finding. The finding is entirely subjective and based upon no State law or legal precedent. While the City Council did have the option of returning the project to the Planning Commission for reconsideration they also had the option of reviewing all of the information and taking a final action.

The Grand Jury fails to recognize that the Planning Commission advises the City Council on land use matters and a commission's decision on a project is referred to the city council as a recommendation based on the information provided to the Commission at the time of their review. The finding fails to mention that the Council was provided with a staff report that differentiates the information that was not contained in the Planning Commission review and was supplied with copies of the minutes and staff report of the planning commission. The Grand Jury further fails to mention that the City Council is the final decision making authority on land use matters in the City and therefore has the responsibility to consider all information presented to it and weigh such information in the decision making process. The statement by the Grand Jury is an unsubstantiated assumption that the City Council did not consider both the new information

presented to it along with the recommendation of the Planning Commission and public testimony presented the evening of the hearing. The Council has the right, under state planning laws, to follow the recommendations of the commission or reverse or modify commission actions.

Recommendations

1. The City should require that applications for development projects be complete, including evidence of property ownership and agency to act for the owner, before processing proposals. The City should also require all material changes (e.g., ownership) to development proposals to be submitted in a timely manner.

*The recommendation will not be implemented because it is not warranted. The term development projects is not defined by the Grand Jury, therefore, this recommendation is not clear. There is an unsubstantiated assumption on the part of the Grand Jury that the City process did not determine that this application was complete. The City is in compliance with State Law which provides that "Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project."*¹

In the case of the Mackey project, there were several applications, a General Plan Amendment, Zone Change and subdivision map. Each one of these applications requires different information to be submitted at the time of application. The Municipal Code also designate who may apply for such approvals. The Grand Jury fails to recognize that land use regulations are a manifestation of the local police powers conferred by the California Constitution. As stated by the California Supreme Court "We have recognized that a city's or county's power to control its own land use decisions derives from this inherent police power...". In accordance with this constitutional authority, the Atascadero Municipal Code Section 9-1.116(a) provides that application for zoning map amendments, for example, may be initiated by the City Council, Planning Commission, property owner, owner in escrow or other designated representative of the owner. The recommendation by the Grand Jury to require evidence for property ownership and designation of an agent to act on behalf of owner would likely be unconstitutional for certain development applications, such as a zone change.

¹ Government Code Section 65943. (a)

2. A. The mechanism for provision of adequate, potable water service, not just the requirement for it, should be determined (after all necessary testing and governmental approvals) before developments are approved, as was recommended for the Mackey Project by City Engineering.

The recommendation will not be implemented because it is not warranted. Project approvals are conditioned to ensure that all of the necessary requirements are fulfilled prior to final approval of a project. The provision of water would be a condition of approval and would have to be satisfied before a final subdivision map was approved. This is the current system. The Atascadero Municipal Code was modified by the City Council in March of this year which provides that "a water system for domestic water service and fire protection shall be provided, including all facilities necessary for the transmission of water to each lot of the proposed subdivision from the nearest point of adequate supply".

- B. The City should determine why this application was considered complete when City Engineering recommended otherwise.

The recommendation will not be implemented because it is not warranted. The Grand Jury report fails to mention that on May 21, 1999 the City Engineer "reviewed the information submitted by the applicant" and "find it acceptable" and provided the conditions of approval for the project, which were subsequently provided to the Planning Commission and City Council. Therefore, the application was deemed complete in accordance with state law and local regulations and the claim by the Grand Jury is not factual.

3. Specific allegations of conflict of interest should be investigated promptly and fully by the City Council and appropriate staff. This should be adopted as a written policy by the City Council.

The recommendation will not be implemented because it is not warranted. The grand jury is recommending that the City Council exercise authority and powers that according to state law are reserved for the Fair Political Practices Commission and State Attorney General. The Political Reform Act clearly states that the issue of a conflict of interest is up to the individual public official to determine. The following is quoted from the FPPC guidelines to elected officials "If a public official has a conflict of interest, the official may be required to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence or attempt to influence a governmental decision.

To determine whether an official has a conflict of interest many factors must be analyzed. For example, is it reasonably foreseeable that the official's interest will be affected by a particular decision? Will the decision have a significant monetary impact on the financial interest or is the impact minimal? Will the decision affect the official's interest differently than members of the

general public? Is the official even making a governmental decision? In many cases, an official will need guidance from the Commission or an attorney to determine whether disqualification is required."

There is neither precedence nor body of law that provides the authority for the City Council to investigate specific allegations of conflict of interest. The City Council has no authority to rule that a conflict of interest exists and has no authority to order a member not to vote. These powers clearly rest with state agencies that provide mechanisms for members of the public to file specific complaints. Requiring the Council Members police each other could lead to a misuse of power that would not serve the community. It is appropriate for each official to make his or her determination. The Fair Political Practices Commission and the Courts will deal with those that make poor decisions. The investigation conducted by the City Attorney was to determine if the ultimate admission by Council Member Lerno invalidated the action taken by the Council and recommend remedies to the Council to address any invalidation that may have occurred.

4. Significant public statements, such as allegations of conflict of interest by members of the Council, should be included in minutes of meetings, as critical to their accuracy and content.

The recommendation will not be implemented because it is not warranted. The Grand Jury recommendation is based on erroneous information and therefor has no value. There were no allegations of conflict of interest on August 10th, therefore, they were not in the minutes. The minutes of September 14th do contain allegations of conflict of interest. The City believes that all public statements, not just those that are indicated, are significant and are an invaluable part of democracy. The meeting minutes reflect actual comments regarding the particular agenda item. Further more, the City preserves a tape of the entire proceedings and keeps them in permanent storage. State law would allow for destruction of those tapes after a specified time, but the City keeps them for the express reason that the City wants to preserve all public statements and does not decide which to preserve based upon a subjective interpretation of what is, and what is not significant.

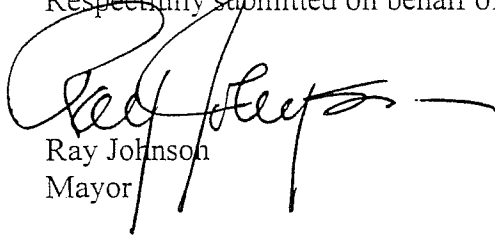
5. When significant information regarding a development project is available to the Council, but either was not available to the Planning Commission or has changed substantially since the Planning Commission considered the project, the Council should return the project to the Planning Commission for reconsideration and recommendation before the Council acts upon it.

The recommendation will not be implement because it is not warranted. The Grand Jury recommendation is based on erroneous information and therefor has no value. The City Council currently has the option to send projects back to the Planning Commission for review and has exercised this option. More commonly the City Council has conducted additional reviews of Planning Commission decisions either by outside appeal or by request of one of the Council

September 27, 2000
Hon. E. Jeffrey Burke
Re: Grand Jury Report, June 26, 2000,
City of Atascadero
Page 8

Members. The City Council, as the final decision making body, has the right and responsibility under state law to consider taking action, denial, modification or referral it acts upon. To comply with the Jury's recommendation, may be a violation of state laws relating to permit streamlining, and at a minimum, usurps the City's constitutional authority to make land use decisions.

Respectfully submitted on behalf of the Atascadero City Council

A handwritten signature in black ink, appearing to read "Ray Johnson", with a long horizontal flourish extending to the right.

Ray Johnson
Mayor

RJ:mmt



received
10-17-00

CITY OF ATASCADERO

OFFICE of the CITY CLERK

October 13, 2000

San Luis Obispo Grand Jury
1120 Mill St.
San Luis Obispo, CA 93401

ATTN: Helen Summerfield

Dear Ms. Summerfield:

Enclosed please find the Exhibit 1 that should have been attached to the letter dated September 27, 2000 addressed to Hon. E. Jeffrey Burke.

I am sorry for the oversight.

Sincerely,

Marcia McClure Torgerson
City Clerk
City of Atascadero

/m



FILE COPY

CITY OF ATASCADERO PLANNING DIVISION APPLICATION FORM

COMMUNITY DEVELOPMENT DEPT. 6500 PALMA AVE. ATASCADERO, CA 93422 (805) 461-5035

Please type or print clearly in ink. Incomplete applications will be returned.

Owner: _____
Address: _____
Phone #: _____

Applicant: Dan Mackey
Address: 188 Cedar Street
Ventura, CA 93001-2603
Phone #: 805-653-6534

Owner: _____
Address: _____
Phone #: _____

Agent: Cannon Associates
Address: 364 Pacific St.
520 CA 93401
Phone #: 544-7407

Project Address: Adjacent to U.P. Railroad r/w - Traffic Way between Portrero + Chico Rd
Legal Description: _____
Assessors Parcel Number(s): _____

Existing Use: Vacant

Project Type (Parcel Map, Precise Plan, etc.): General Plan Amendment / Zone Change
Project Description: Request to create an Industrial designation on 5+ acre surplus Railroad property

I/We consent to the filing of this application and declare that this Application and related documents are true and correct.

(Note: The signature of the property owner(s) is required on this application before it will be accepted)

Dan Mackey
Owner

Date

Agent

Date

FOR STAFF USE ONLY:

GPA# 98003

ZC# 98004-98010

TTM 99001

Mackey Small Lot Residential
3055 Traffic Way (Portrero, Chico, UPRR)
Mackey / Cannon Associates
Block 21 and UPRR ROW

Fee: 1675.00

Receipt #: 64362



received
8.2.00

CITY OF ATASCADERO

OFFICE of the CITY MANAGER

June 29, 2000

Hon. E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, CA 93408

RE: The Grand Jury Report (June 26, 2000), City of Atascadero — The Mackey Project

Dear Judge Burke,

This letter serves as the response of the City Manager and the City Attorney to the referenced report. The comment of the City Council (as the governing body of the City of Atascadero) required under Penal Code Section 933 will be filed following the review by the Council of the report and staff comments regarding the report. We feel that the Grand Jury report is sufficiently flawed that our own comments as department heads is warranted at this time. The Grand Jury report contains factual errors that invalidate many of the findings and recommendations. Unfortunately the reliance on these facts discredits the report and eliminates any beneficial impact it may have had on the development process. The City contacted the Grand Jury prior to the release of the report to allow the Grand Jury to correct their factual errors. The following are a couple of examples of errors contained in the report:

On page 2 near the beginning of the report the Grand Jury states that "documentation provided by the City does not include any written consent from the Railroad for the development of the property, or for Mr. Mackey, Mr. Gearhart, or Mr. Faulkenstien to act on its behalf. The application submitted by Mr. Mackey is signed and designates Cannon Associates as agent for Mr. Mackey. A true and correct copy of this document was provided to the Grand Jury.

On page 7 of the report it states "Among the many people who spoke during the public hearing, three asserted that Mr. Gearhart had purchased property directly across the street from the Mackey project, and that Mr. Lerno therefore had a conflict of interest and should not vote". A review of the tapes clearly shows that no one at the meeting of August 10, 1999 said that Mr. Lerno had a conflict of interest and should not vote. There was talk of Kelly Gearhart buying property in the area, however, no one said the property was "directly across the street".

We have reviewed the report and provide the following response. We have not attempted to separate the facts from the editorializing in the report, however, we have directed our response to

the factual issue presented. Because of the factual errors contained in the report and the reliance of the Grand Jury on editorial statements, the City hereby requests that, pursuant to Section 929 of the Penal Code, the Presiding Judge make available to the City all of the evidentiary material, findings, and other information relied upon by the Grand Jury to reach the conclusions, findings and recommendations concluded in the report.

Findings

1. An application for development of the property on Traffic Way was submitted, with Mr. Mackey identified as the owner, when Union Pacific Railroad actually owned the property. The City supplied no documentation to the Grand Jury indicating the Railroad, or Mr. Gearhart after he purchased the property, or Mr. Mackey after he purchased the property, approved the application or designated anyone as an agent for purposes of property development.

The respondent disagrees partially with the finding. The Grand Jury states that "the City supplied no documentation... (that) Mr. Mackey after he purchased the property approved the application or designated anyone as an agent for purposes of property development is not factual. The application submitted by Mr. Mackey is signed and designates Cannon Associates as agent for Mr. Mackey. A true and correct copy of this document was provided to the Grand Jury. Therefore this finding is not true.

2. A. The mechanism for adequate, potable water service was not yet determined when the project was approved by the City Council.

The respondent disagrees wholly with the finding. The City Council conditionally approved the project. One of the conditions of approval was the adequate, potable water service.

The City Council was presented with a letter from the applicant's engineer that stated the intent of the applicant to develop the property with water service from the Atascadero Municipal Water Company. Absent service from the Water Company, the applicant indicated that a well would be provided for each lot. In either case, a mechanism for providing water service was identified. City regulations permit the construction and operation of domestic water wells provided they meet all applicable federal, state and local regulations. Likewise the applicant provided a water service plan prepared by a Licensed Civil Engineer. The City does not control nor may it direct the Water Company to provide service to property within the city limits. A mechanism for adequate, potable water service was determined when the City Council took action on the project.

- B. City Engineering advised City Planning the application should be considered incomplete until water supply requirements were satisfied. Although certain concerns of Engineering were included in the City Manager's Agenda Report to the Council, Engineering's view that the application should be considered incomplete was not included.

The respondent disagrees wholly with the finding. The Grand Jury fails to report that on May 21, 1999 the City Engineer "reviewed the information submitted by the applicant" and "find it acceptable" and provided the conditions of approval for the project, which were subsequently provided to the Planning Commission and City Council. The City Engineer had determined that the application was complete and therefore this finding is false.

3. The Grand Jury found no evidence that any City official investigated or responded to the public's allegations of conflict of interest at the Council meeting of August 10, 1999. These allegations were sufficiently specific to cause concern.

The respondent disagrees wholly with the finding. The Grand Jury based the finding on erroneous facts that invalidate Finding 3. The error first appears on page 7 of the report where it states "Among the many people who spoke during the public hearing, three asserted that Mr. Gearhart had purchased property directly across the street from the Mackey project, and that Mr. Lerno therefore had a conflict of interest and should not vote". In review of the actual tapes of the meeting and transcripts of the same, no one at the meeting of August 10, 1999 said that Mr. Lerno had a conflict of interest and should not vote. There was talk of Kelly Gearhart buying property in the area and no one said directly across the street from the Mackey project. The Grand Jury paragraph continues by saying "These assertions do not appear to have elicited any reaction from City officials ... (and) were not included by the Clerk in the minutes." Since the assertions were not made until the September 14th meeting they elicited no response on August 10th and did not appear in the minutes of August 10th.

*Prior to the August 10th meeting and up to the September 14th meeting Ken Lerno had sought legal advice regarding potential conflicts of interest. He indicated that he had a report from his attorney that he had no conflict and felt he had a duty to vote on the project. **All of the Council Members and key staff raised the conflict issue at various times either directly with Mr. Lerno or in a public meeting as evidenced by the minutes of September 14th.***

*When there was an assertion that a conflict existed at the September 14th meeting **several officials took action which resulted in Ken Lerno retracting his vote.** Council Member Luna asked several clarifying questions about conflicts as did Mayor Johnson. Immediately following the initial vote, the City Manager personally contacted Mr. Lerno and described the apparent conflict which caused Mr. Lerno to request a recess, consult with his advisors and retract his vote. The system worked.*

*Further, the City Attorney conducted an investigation at the direction of the City Council into the allegations that a conflict of interest had existed. **Therefore, the statement that no evidence that any City official investigated the allegations is false.***

Penal Code Section 933.05(e) requires that "[d]uring an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental." The grand jury in this case never met with Council Member

George Luna and did not meet with the City Attorney during the investigation. This glaring failure discredits the reasonableness of any such finding.

4. The minutes of the August 10, 1999, Council meeting did not include any assertion during public comment that a member of the Council had a conflict of interest, even though at least three speakers stated Mr. Gearhart had purchased property across the street from the project.

The respondent wholly disagrees with this finding. The minutes of August 10, 1999 are correct because there was no "assertion during public comment that a member of the Council had a conflict of interest." The minutes can only reflect what was actually said. The tape recording of the meeting has been reviewed, the minutes accurately reflect the discussion. No one said Mr. Lerno had a conflict of interest and should not vote.

5. At the August 10, 1999, Council meeting, the Council should have sent the Mackey Project back to the Planning Commission for reconsideration in light of information available to the Council, but not available to the Planning Commission, concerning the lack of AMWC water service and the effect of that upon affordability of the housing.

The respondent disagrees fully with this finding. The finding is entirely subjective and based upon no State law or legal precedent. While the City Council did have the option of returning the project to the Planning Commission for reconsideration they also had the option of reviewing all of the information and taking a final action.

The Grand Jury fails to recognize that the Planning Commission advises the City Council on land use matters and a commission's decision on a project is referred to the city council as a recommendation based on the information provided to the Commission at the time of their review. The finding fails to mention that the Council was provided with a staff report that differentiates the information that was not contained in the Planning Commission review and was supplied with copies of the minutes and staff report of the Planning Commission. The Grand Jury further fails to mention that the City Council is the final decision making authority on land use matters in the City and therefore has the responsibility to consider all information presented to it and weigh such information in the decision making process. The statement by the Grand Jury is an unsubstantiated assumption that the City Council did not consider both the new information presented to it along with the recommendation of the Planning Commission and public testimony presented the evening of the hearing. The Council has the right, under State planning laws, to follow the recommendations of the Commission or reverse or modify commission actions.

Recommendations

1. The City should require that applications for development projects be complete, including evidence of property ownership and agency to act for the owner, before processing proposals. The City should also require all material changes (e.g., ownership) to development proposals to be submitted in a timely manner.

*We will advise the City Council that the recommendation not be implemented because it is not warranted. The term development projects is not defined by the Grand Jury, therefore, this recommendation is not clear. There is an unsubstantiated assumption on the part of the Grand Jury that the City process did not determine that this application was complete. The City is in compliance with State Law which provides that "Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project."*¹

In the case of the Mackey project, there were several applications, a General Plan Amendment, Zone Change and subdivision map. Each one of these applications requires different information to be submitted at the time of application. The Municipal Code also designates who may apply for such approvals. The Grand Jury fails to recognize that land use regulations are a manifestation of the local police powers conferred by the California Constitution. As stated by the California Supreme Court "We have recognized that a city's or county's power to control its own land use decisions derives from this inherent police power...". In accordance with this constitutional authority, the Atascadero Municipal Code Section 9-1.116(a) provides that application for zoning map amendments, for example, may be initiated by the City Council, Planning Commission, property owner, owner in escrow or other designated representative of the owner. The recommendation by the Grand Jury to require evidence for property ownership and designation of an agent to act on behalf of owner would likely be unconstitutional for certain development applications, such as a zone change.

2. A. The mechanism for provision of adequate, potable water service, not just the requirement for it, should be determined (after all necessary testing and governmental approvals) before developments are approved, as was recommended for the Mackey Project by City Engineering.

We will advise the City Council that the recommendation not be implemented because it is not warranted. Project approvals are conditioned to ensure that all of the necessary requirements are fulfilled prior to final approval of a project. The provision of water would be a condition of approval and would have to be satisfied before a final subdivision map was approved. This is the current system. The Atascadero Municipal Code was modified by the City Council in March of this year which provides that "a water system for domestic water service and fire protection shall be provided, including all facilities necessary for the transmission of water to each lot of the proposed subdivision from the nearest point of adequate supply."

¹ Government Code Section 65943. (a)

B. The City should determine why this application was considered complete when City Engineering recommended otherwise.

We will advise the City Council that the recommendation not be implemented because it is not warranted. The Grand Jury report fails to mention that on May 21, 1999 the City Engineer "reviewed the information submitted by the applicant" and "finds it acceptable" and provided the conditions of approval for the project, which were subsequently provided to the Planning Commission and City Council. Therefore, the application was deemed complete in accordance with State law and local regulations and the claim by the Grand Jury is not factual.

3. Specific allegations of conflict of interest should be investigated promptly and fully by the City Council and appropriate staff. This should be adopted as a written policy by the City Council.

We will advise the City Council that the recommendation not be implemented because it is not warranted. The Grand Jury is recommending that the City Council exercise authority and powers that according to State law are reserved for the Fair Political Practices Commission and State Attorney General. The Political Reform Act clearly states that the issue of a conflict of interest is up to the individual public official to determine. The following is quoted from the FPPC guidelines to elected officials, "If a public official has a conflict of interest, the official may be required to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence or attempt to influence a governmental decision.

To determine whether an official has a conflict of interest, many factors must be analyzed. For example, is it reasonably foreseeable that the official's interest will be affected by a particular decision? Will the decision have a significant monetary impact on the financial interest or is the impact minimal? Will the decision affect the official's interest differently than members of the general public? Is the official even making a governmental decision? In many cases, an official will need guidance from the Commission or an attorney to determine whether disqualification is required."

There is neither precedence nor body of law that provides the authority for the City Council to investigate specific allegations of conflict of interest. The City Council has no authority to rule that a conflict of interest exists and has no authority to order a member not to vote. These powers clearly rest with State agencies that provide mechanisms for members of the public to file specific complaints. Requiring the Council Members police each other could lead to a misuse of power that would not serve the community. It is appropriate for each official to make his or her determination. The Fair Political Practices Commission and the Courts will deal with those that make poor decisions. The investigation conducted by the City Attorney was to determine if the ultimate admission by Council Member Lerno invalidated the action taken by the Council and recommend remedies to the Council to address any invalidation that may have occurred.

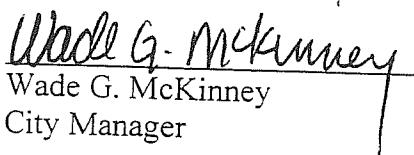
4. Significant public statements, such as allegations of conflict of interest by members of the Council, should be included in minutes of meetings, as critical to their accuracy and content.

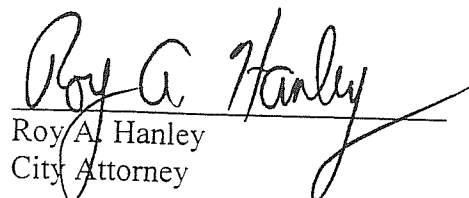
We will advise the City Council that the recommendation will not be implemented because it is not warranted. The Grand Jury recommendation is based on erroneous information and therefore has no value. There were no allegations of conflict of interest on August 10th, therefore, they were not in the minutes. The minutes of September 14th do contain allegations of conflict of interest. The City believes that all public statements, not just those that are indicated, are significant and are an invaluable part of democracy. The meeting minutes reflect actual comments regarding the particular agenda item. Further more, the City preserves a tape of the entire proceedings and keeps them in permanent storage. State law would allow for destruction of those tapes after a specified time, but the City keeps them for the express reason that the City wants to preserve all public statements and does not decide which to preserve based upon a subjective interpretation of what is, and what is not significant.

5. When significant information regarding a development project is available to the Council, but either was not available to the Planning Commission or has changed substantially since the Planning Commission considered the project, the Council should return the project to the Planning Commission for reconsideration and recommendation before the Council acts upon it.

We will advise the City Council that the recommendation not be implement because it is not warranted. The Grand Jury recommendation is based on erroneous information and therefore has no value. The City Council currently has the option to send projects back to the Planning Commission for review and has exercised this option. More commonly, the City Council has conducted additional reviews of Planning Commission decisions either by outside appeal or by request of one of the Council Members. The City Council, as the final decision making body, has the right and responsibility under State law to consider taking action, denial, modification or referral it acts upon. To comply with the Jury's recommendation, may be a violation of State laws relating to permit streamlining, and at a minimum, usurps the City's constitutional authority to make land use decisions.

Sincerely,


Wade G. McKinney
City Manager


Roy A. Hanley
City Attorney

WGM/RAH:mmmt

JUL 2000

PASO ROBLES POLICE DEPARTMENT

FINDINGS

1. Equipment

- a. There are no Mobile Data Terminal units in patrol cars to facilitate license checks, etc.
- b. There are not enough cellular phones available for use by on-duty officers.
- c. There is a history of inconsistent performance by the first eight audio/video cameras installed in patrol cars.
- d. There is no policy making operation of the audio/video cameras mandatory.

2. Personnel

- a. Designated secretarial or clerical assistance is not available to the Department's administration. Records personnel are doing purchasing, payroll, and some correspondence tasks as well as their regular duties. Otherwise, the Chief and two lieutenants do their own data entry for reports, budget, correspondence, and professional responsibilities (combined participation in 30 law enforcement and community organizations.)
- b. No School Resource Officer is assigned to the middle schools, despite growing population and juvenile delinquency concerns.
- c. Programs such as ROP and Explorers are aimed at developing local students' interest in law enforcement careers.

3. Dispatch

- a. Dispatch/Communications is not fully staffed.
- b. There are not enough dispatcher positions available to be able to implement Emergency Medical Dispatch.

4. Bilingual Skills

a. Hispanics make up 18-20% of the local population, increasing to a possible 30% during the harvest season. Two PRPD employees are certified as having Spanish language skills, and seven have skills below the certified level. Communication and services would be helped with more bilingual employees.

b. There is a lack of incentives for employees to develop bilingual skills.

5. Records Department

a. Log-in/log-out procedures have been set up for after-hours records access, but they are not being followed consistently.

b. Records are not currently computerized, requiring much labor intensive effort.

6. Hispanic Community Relations

Whether accurate or not, there is a perception by some members of the Hispanic community that police officers are confiscating “green cards.”

RECOMMENDATIONS

1. Equipment

a. Equip all patrol cars with mobile data terminal units.

b. Obtain enough cellular phones for use by all officers in the field.

c. Establish a schedule to rotate out the audio/video cameras that have a history of problems and replace with the best technology available and affordable.

d. Make it mandatory that audio/video cameras be turned on for all contacts with the public.

2. Personnel

a. Add the position of Clerical Assistant to help the Chief and the two Lieutenants in their administrative duties.

b. Add a second School Resource Officer for the middle schools.

c. Continue long range educational programs designed to attract local citizens into law enforcement careers.

3. Dispatch

- a. Recruit and hire dispatchers to fill all vacancies as soon as possible.
- b. Negotiate with the California Department of Forestry and Fire Protection to do all medical dispatching for the Department.

4. Bilingual Skills

- a. Encourage all personnel to develop Spanish language skills.
- b. Develop scholarships or more pay incentives for employee (sworn and non-sworn) development of Spanish language skills.

5. Records

- a. Establish and enforce a mandatory log-in/log-out procedure for access to Records files.
- b. Complete a project to achieve full computerization of records.

6. Hispanic Community Relations

To promote goodwill in the Hispanic community, establish a memorandum or written policy against taking of “green cards” except in arrest and booking situations.

RESPONSES REQUIRED

Under Penal Code Section 933.05, the *Paso Robles Police Department* is required to respond to all Findings and all Recommendations.



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

received
9-26-00

September 8, 2000

The Honorable Jeffrey E. Burke
Judge of the Superior Court
c/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, CA 93408

1999/2000 San Luis Obispo County Grand Jury
Paso Robles Police Department

Dear Judge Burke:

In response to your request, please accept this letter as the City of El Paso de Robles' response to the 1999/2000 Grand Jury Report regarding the Paso Robles Police Department.

EQUIPMENT

The City agrees with finding #1a that there are no Mobile Data Terminal units in patrol cars to facilitate license checks, etc. All license and other computerized checks are accomplished via radio request from patrol officers to the dispatcher located in the Department's Communications Center. The dispatcher makes computer queries; information discovered is relayed to the officer via radio.

As to recommendation #1a to equip all patrol cars with Mobile Data Computers, the City plans to evaluate their use, cost and benefit(s) as part of its next 4-year financial plan. (budget process). Plans for transmission towers to support Mobile Data Computers in police cars are being developed by two other agencies in this County; it would be our intention to utilize these systems. Upcoming State of California technology grants may be a funding source for Mobile Data Computers, which are estimated to cost up to 10,000 per patrol car.

The City partially disagrees with finding #1b that there are not enough cellular phones available for use by on-duty officers. Two cellular phones are available for check out each shift; an additional cellular phone is located permanently in the Watch Commander's vehicle. While this is not enough to provide each on-duty officer with a cellular phone, neither is it a necessity as there are other communication devices available including radio and landline telephones, both of which are more cost effective. Additionally, officers often respond to calls together, acting to assist each other. The available equipment can be shared.

The City appreciates recommendation #1b to obtain cellular phones for use by all officers in the field. However, it is not clear that the potential benefit outweighs the cost. Officers are afforded excellent equipment for other modes of communication; their capabilities for relaying information work very well. If Mobile Data Computers are introduced in the future, yet another method for communication will be available to officers in the field. The City will evaluate the benefit of cellular phone deployment upon conducting its analysis of Mobile Data Computer operation and benefits within 2 years.

The City accepts finding #1c that there is a history of inconsistent performance by the first eight audio/video cameras installed in patrol cars. Since we have found ways to periodically repair and troubleshoot the problems, we have chosen to utilize these cameras until their useful life is exhausted.

In response to recommendation #1c that this equipment be scheduled for replacement, the City had already set a schedule for the systematic replacement of the audio/video camera systems over the next few years (see attached). Since discovering problems with the original audio / video systems selected for purchase, a different system has been selected that is less problematic. We will continue to outfit our patrol cars with the new systems for consistency (unless an even better product is discovered).

The City disagrees with the finding #1d that there is no policy making operation of the audio / video cameras mandatory. When the video cameras were installed in the patrol vehicles in August of 1998, the Paso Robles Police Department Patrol Vehicle Audio / Video Recording Equipment policy for use and operation of that equipment was also distributed to all personnel. Section II, B-6 reads, "officers shall record all enforcement contacts such as arrests or citations and shall also record non-enforcement contacts should they become confrontational, assaultive or enforcement oriented. The system may be deactivated during non-enforcement activities, such as traffic control for accident scenes, etc.

Audio / video systems *shall* be activated to record the following incidents:

- a. Car stops, including DUI's
- b. Pursuits
- c. Major incidents such as fires, explosions, etc.
- d. 415 PC's, 273.5 PC's, and other priority calls or investigations
- e. Any Code 3 response or when responding to an emergency or "in progress" type of crime or incident, either felony or misdemeanor.

Audio / video systems *should* be activated to record the following incidents:

- a. Citizen contacts, FI's, suspicious subjects, etc.
- b. Suspect(s) in the rear of the patrol car.
- c. Traffic Accident Investigations
- d. Any other incident where the officer deems it necessary to gather and retain evidence."

The City disagrees with recommendation #1d to make it mandatory that the Audio / Video cameras be turned on for *all* contacts with the public. The Department has not experienced any significant problems under current operational policies. Because officer's primary duties involve talking to the public all day long, a tremendous amount of useless data would be recorded; and the cost would outweigh the benefit.

PERSONNEL

The City agrees with finding #2a that there is no designated secretarial or clerical assistance available to the Police Department's administration.

The City agrees with recommendation #2a that a position should be added to assist administration with clerical duties. The Department is currently pursuing such a position through a Federal COPS More grant and expects to receive notification regarding funding within the next 3 months. An alternate plan, should this funding source fail to be awarded, is to proceed utilizing newly identified State COPPS grant funding.

The City disagrees with finding #2b that there is no School Resource Officer assigned to the middle schools. The Department currently employs two School Resource Officers, one being a part time position that was added in March, 2000. Both officers are responsible for attending to all school related concerns within the Paso Robles Unified School District. Generally, their work is divided so that the full time officer spends most of his time at the High School, while the part time officer works at the Middle and Elementary Schools. They are assisted by full time Campus Supervisors at the High School and both Middle Schools. In addition to the School Resource Officers, we also have a full-time D.A.R.E. Officer assigned to both the Elementary and Middle School campuses and an officer working part-time at the High School teaching the Regional Occupation Program (ROP) in Law Enforcement Careers. Therefore, in total, we have committed four Police Officers who are spread throughout our school campuses on a regular basis to provide a wide variety of programs and services.

Relative to recommendation #2b that a second School Resource Officer should be hired for the middle schools, the City agrees. A second (part-time) officer was hired prior to this report.

The City is pleased with the Grand Jury's finding #2c that there are programs such as ROP and Police Explorers in place that are aimed at developing local students interest in law enforcement careers. In addition to the programs mentioned, the Department also provides a Community Volunteer Patrol Program, a Citizen's Police Academy, Reserve Police Officer and Reserve Police Dispatcher programs. The Department has recruited Police Officers, Dispatchers and Cadets from these programs in the past, and we intend to continue.

The City further agrees with recommendation #2c that the Department should continue with long range educational programs, designed to attract local citizens into law enforcement careers.

DISPATCH

The City agrees with finding #3a that Dispatch / Communications is not fully staffed. The Department currently has one full-time Dispatcher vacancy and two Reserve Dispatcher vacancies.

An internal recruitment is currently underway to fill the full-time vacancy. There are viable internal candidates interested in the position; we anticipate that it will be filled by September, 2000. Once the full-time position is filled, a new recruitment for Reserve Dispatchers will be initiated. Hiring should be completed by February, 2001.

The City agrees with finding #3b that there are not enough Dispatcher positions available to be able to implement Emergency Medical Dispatching. The Emergency Medical Dispatch system mandates that the Dispatcher performing this function be available to the caller for the duration of the call in order to provide proper service. In order to accomplish this, the Department would need to add 6 new positions, more than double its current full-time Dispatch staff. Because Emergency Medical Dispatching is not a mandated function of a Public Safety Answering Point, and the cost involved in hiring 6 new full-time positions would create an additional recurring cost to the City of almost \$250,000, we have chosen not to expand the Dispatch staff to accommodate EMD at this time.

The City appreciates the Grand Jury's recommendation #3b that the City should negotiate with another agency to do all medical dispatching for the Department of Emergency Services. The City has undertaken a study of the Emergency Services Department to determine the future of emergency service needs (fire and medical). This study will be completed this calendar year and include recommended solutions concerning these issues.

BILINGUAL SKILLS

The City partially agrees with finding #4b that communication and services would be helped with more bilingual employees.

The City recognizes that Hispanics make up 18 – 20% of the local population, increasing to a possible 30% during the harvest season. The City agrees with recommendation #4a to encourage all personnel to develop Spanish language skills. In the past, the City has provided basic Spanish skill classes for all personnel interested in attending. The City has a bilingual certification program to determine eligibility for bilingual incentive pay. Although an employee may not rise to the level designated to receive bilingual incentive pay, he / she may still be able to communicate well in Spanish. The Department currently has eight employees, representing 17% of our workforce, spread remarkably evenly throughout the various divisions within the organization, who use their bilingual skills to assist the public on a regular basis. In addition, the Department subscribes to a translation service that is available to all employees, both at the station and in the field.

The City disagrees with finding #4b that there is lack of incentives for employees to develop bilingual skills. Language courses are available and relatively inexpensive through Cuesta College, and employees are eligible for reimbursement of associated costs for any approved college courses, up to \$500 annually. The City has been working to increase incentives for those employees with bilingual capability. The City's bilingual incentive pay program was introduced through contract negotiations in 1994 at \$50 per month. That amount was increased to \$100 per month in 1998. An employee can increase their annual wage an average of about 3% by committing to bringing their bilingual capability up to the established standard.

As recommended, the City will continue to encourage all personnel to develop bilingual skills, including Spanish or any other foreign language. Due to the education reimbursement (scholarship) program and bilingual incentive pay program already in place, no further monetary incentives are contemplated.

RECORDS DEPARTMENT

The City partially agrees with finding #5a that the procedure for logging reports in and out is not being followed consistently. The Department's Rules and Regulations Manual specifies procedures for the control of records, specifically the log-in/log-out of reports.

As recommended in #5a, when the procedure is not followed, a supervisor will address the issue. We will also be directing Records Bureau staff to bring this information to the attention of a supervisor as soon as a deviation from policy is detected so the matter can be addressed at once.

The City agrees with finding #5b that records are not currently computerized. While the Department does have a computerized Records Management System for cataloging official records and names of parties contacted by the Department for various reasons, there is no imaging system in place for viewing and printing stored records. All archived records that need to be accessed require a Records Clerk or Cadet to physically locate, retrieve, copy and return to file.

The City agrees with recommendation #5b that a project to achieve full computerization of records be completed as soon as possible. The City was recently awarded a \$40,000 State of California Law Enforcement Technology Equipment Program grant. With this grant, the City has already purchased the necessary equipment and is in the process of implementing an imaging system that will computerize all Department records. In addition, the imaging system will be integrated for records sharing throughout the County, including electronic complaint filing capability with the District Attorney by the end of this calendar year.

HISPANIC COMMUNITY RELATIONS

The City partially agrees with finding #6 that there is a perception by some members of the Hispanic community that police officers are confiscating "green cards." However, the perception appears to be inaccurate. After researching the confiscation of "green cards," we learned that only four instances were documented where a card was taken. Each of these cases involved illegally manufactured cards. They were not valid visas.

The City Council appreciates the Grand Jury's intentions behind recommendation #6 that a memorandum or written policy against the taking of "green cards" except in arrest and booking situations be issued. As recommended, a memorandum was distributed on June 27, 2000, reminding officers of the proper lawful authority for seizing "green cards" and other identification.

Sincerely,


Duane Picanco
Mayor

COUNTY ROADS

FINDINGS

1. SLOCOG effectively manages the receipt and allocation of limited State and Federal funds for road construction and repair, and for transportation generally. In addition, it is an effective advocate for increased funding for these purposes. Finally, it provides leadership in developing and presenting information about roads to local government officials and the public generally.

2. The County Board of Supervisors has failed to address adequately the need for road maintenance for a number of years. There is no evidence of any plan or allocation of funds to eliminate the deficiency – or to prevent falling further behind. The following are specific concerns:

- The absence of multi-year budget planning presenting total road construction and maintenance requirements prevents a full understanding and awareness of the problem by the public and hinders project planning by the Engineering Department.
- The County's funding of roads has diminished over the past decade.
- There is no plan for reducing the backlog of road maintenance, estimated in 1998 as \$55.2 million. The current annual funding amount is not sufficient to do more than prevent the backlog from growing.

3. Whether the proposed solution of a sales tax increase developed by the 1997-1998 joint effort of the Cities and the County was likely to be successful with the public or not, a public information effort should have continued, with the County exercising appropriate leadership. This effort should have included a report of the trend in the measures of relative safety of roads, which has not been fully reported to the public.

4. (a) The Road Improvement Fee approach to achieving supplemental funding depends on the vagaries of development and results in a piecemeal approach to road construction and maintenance.

(b) The complaints of residents in certain County unincorporated areas result from the problems created by this piecemeal approach and the lack of definitive information about plans for future road repair and construction.

5. The Board of Supervisors recognized the severity of the problem and adopted a policy to maintain roads at a modest standard of 70. However:

- There is no reference to or provision for remedying the backlog.
- The problem will get worse at the current level of financial commitment and priority (i.e., the County will continue to fall further behind in road maintenance).
- The funded pavement condition level is 64 versus the adopted policy level of 70.
- The cost of road reconstruction is five times the cost of periodic maintenance.

6. There is no comprehensive report designed for the general public concerning the status of roads with a clear explanation of the funding options and plans.

7. The amount required annually to fully fund the Pavement Management Program is \$3,500,000.

8. Public information efforts and the active support of County government are critical to achieving the authorization of an increase in tax revenue for adequate road construction and maintenance, whether it be by means of SCA 3 or another approach to increasing the funding options of local government.

RECOMMENDATIONS

1. SLOCOG should prepare a new Pavement Maintenance and Rehabilitation Needs Report.

2. The Board of Supervisors should develop a specific plan for financing a Road Maintenance Program that eventually eliminates the present backlog and establishes an annual amount to maintain roads properly.

3. The Board of Supervisors should initiate jointly with the cities a public awareness program about the severity of the road maintenance problem, including the measures of road safety, to obtain public input and support for solutions to the problem.

4. The public should be informed periodically about the use of the revenues from the Road Improvement Fees by publication in area newspapers, by briefings of Advisory Councils, and/or by other means of communications to residents. The status of each of these accounts, a record of recent improvements completed, and the plans for future improvements should be included in these periodic reports.

5. The County Engineering Department should prepare a comprehensive annual report to the public, fully disclosing the status of roads, including the measures of relative safety, and plans for construction and repair in specific County areas.

6. The annual County Budget should include a five-year plan for road construction and repair.

7. The County Budget should fully fund the 70 level of pavement maintenance based on the Pavement Management System.

8. The County should aggressively support efforts at the State level to provide local government a financing option for construction and repair of roads.

REQUIRED RESPONSES

Under Penal Code Section 933.05:

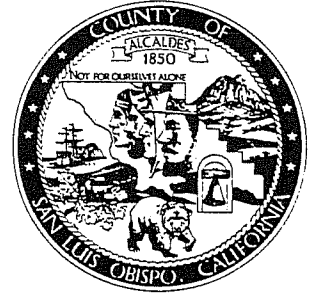
The *San Luis Obispo Council of Governments* is required to respond to Finding 1 and Recommendation 1.

The *San Luis Obispo County Board of Supervisors* is required to respond to Findings and Recommendations 2 through 8.

County of San Luis Obispo

Received
8-24-00

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



TO: SUPERIOR COURT PRESIDING JUDGE

FROM: DAVID EDGE, COUNTY ADMINISTRATOR *DE*

DAVID EDGE
COUNTY ADMINISTRATOR

DATE: AUGUST 21, 2000

SUBJECT: DEPARTMENTAL RESPONSES TO THE 1999-2000 GRAND JURY REPORT

On June 26, 2000, the Grand Jury issued a variety of reports regarding county services. State statute requires written responses from departments that are subject of Grand Jury Report findings and recommendations. According to the law, responses are to be directed to the Superior Court Presiding Judge within sixty days.

The attached documentation is submitted to you with this memorandum to serve as the Departments' response to the Grand Jury report.

Thank you.

c - Each Board Members
Grand Jury Foreman
Jim Grant, Assistant Administrative Officer

Attachments:

→ County Roads - Engineering
County Jail/Court Holding Facilities - Sheriff's Office
Paso Robles Superior Court - Administrative Office
Youth Intervention Services - Administrative Office
Weed Abatement - Auditor - Controller and Tax Collector's Office

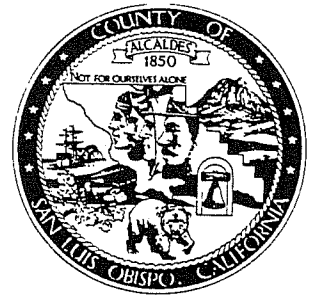
COUNTY ROADS

SAN LUIS OBISPO COUNTY ENGINEERING DEPARTMENT

COUNTY GOVERNMENT CENTER • ROOM 207 • SAN LUIS OBISPO, CALIFORNIA 93408

TIMOTHY P. NANSON
COUNTY ENGINEER
GLEN L. PRIDDY
DEPUTY COUNTY ENGINEER
ENGINEERING SERVICES
NOEL KING
DEPUTY COUNTY ENGINEER
ADMINISTRATION

PHONE (805) 781-5252 • FAX (805) 781-1229



ROADS
SOLID WASTE
FRANCHISE ADMINISTRATION
WATER RESOURCES
COUNTY SURVEYOR
SPECIAL DISTRICTS

August 21, 2000

The Honorable E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, Ca 93408

Subject: County Engineering Department Response to Grand Jury Report on County Roads released June 29, 2000

As required in the report, the following are responses to recommendation points 2 through 8 of the Grand Jury final report on County Roads that was released June 29, 2000:

2. The Board of Supervisors should develop a specific plan for financing a Road Maintenance Program that eventually eliminates the present backlog and establishes an annual amount to maintain roads properly.

Response: Our Department has submitted a Pavement Management Plan the past three years to the Board with the recommendation of \$3 million annual preventative maintenance program. This funding level shows, in our analysis, a long term reliable and safe condition for the road system and indicates the backlog value decreasing over time. It is impractical to eliminate the backlog completely but the backlog can be a measure of the success of the program. Moreover, the \$55.8 million backlog figure is based on a rough extrapolation of conditions in a San Luis Obispo County Council of Governments (SLOCOG) report. This report was not based on field data. From the County's field inventory, the backlog is approximately \$30 million and holding. This represents the need to overlay approximately 400 miles or 40% of the road system. The higher number would reflect need to overlay about 700 miles or 70% of the road system. In managing a large road network, it is impractical to totally eliminate backlog work. If that was the objective, the entire system would be overlaid at the same time every other decade. The prudent means is to put in sufficient annual preventative maintenance funding to keep the system from deteriorating rapidly while planning to overlay about 5% of the system or 50 miles per year. In our latest Pavement Management Plan, we indicate that the ideal funding scenario needs to show a steady decline in the backlog value in order to show progress in the program.

3. The Board of Supervisors should initiate jointly with the cities a public awareness program about the severity of the road maintenance problem, including the measures of road safety, to obtain public support and support for solutions to the problem.

Response: As this is both a regional and a statewide issue, it may be best to develop this program through the State Legislature. A joint effort of the California State Association of Counties and the League of California Cities has already resulted in, hopefully, identifying a stable source of funding through SCA 3 and AB 2829.

A County wide public awareness program needs to be developed using a regional approach, perhaps through SLOCOG. Additionally, SLOCOG could develop a separate program under the Regional Transportation Plan (RTP) for maintenance/safety improvements. This would be very similar to Caltrans' State Highway Operations Protection Program (SHOPP) program which funds overlay work and safety projects on the state highways. The funding sources and needs/priorities could be clearly defined in this program for outreach to the public. SLOCOG is developing a separate program for funding enhancement projects, over and above existing funding sources, using regional monies. The Regional Transportation Plan (RTP) is currently being updated and should address this need.

4. The public should be informed periodically about the use of the revenues from the Road Improvement Fees by publication in area newspapers, by briefing of Advisory Councils, and/or by other means of communications to residents. The status of each of these accounts, a record of recent improvements completed, and the plans for future improvements should be included in these periodic reports.

Response: The periodic reports referred to in the recommendation are currently being produced on 12-24 month cycle for the fee areas. The only one not current or scheduled for update is the Avila area which we will be updating after the specific plan is adopted. These reports list the projects done to date, current account balances and any adjustments to the Capital Improvement Program for the area. At the direction of the Board, we take all reports, updates and fee revisions through the Advisory Councils for approval. We work closely with the traffic subcommittees of the Councils in developing these updates. Fee adjustments are listed in the legal notices of the newspaper. We believe that this approach of bringing specific information to area Advisory Councils is an effective way to communicate with the public and obtain valuable input.

5. The County Engineering Department should prepare a comprehensive annual report to the public, fully disclosing the status of roads, including the relative safety, and plans for the construction and repair in specific County areas.

Response: Currently the department produces two documents pertaining to the recommendation. The first is the Pavement Management Plan which indicates system condition, shows a multi-year program of work and includes the next fiscal year work in the various areas of the County. The second is a Road Safety Analysis report which is internal to our department. An action plan for the top ten locations in each category is developed from the data contained in the report. This action plan is part of the information reviewed with the Advisory Councils when there are discussions of appropriate solutions. We feel that the detailed technical information in the Road Safety Analysis is not appropriate for use by the general public, however, a summary report could be made available. We have sent quarterly status reports on projects to the Nipomo Advisory Council as this area has the most activity and the largest amount of inquiry into road system status.

For each fee area, we prepare an update report of the circulation study which includes proposed work in the area from various funding sources.

6. The annual County Budget should include a five-year plan for road construction and repair.

Response: Currently, the budget addresses single year expenditures for the individual projects. The department has a listing of the projects schedules which show the long term workload for the road system as well as the Pavement Management Plan which contains a ten year listing of potential road repairs. An overall five year plan can be readily developed from this information and used for public information. Both of these documents could be included in the budget, however, each budget cycle will create its own priorities on realizing these long term plans.

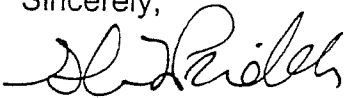
7. The County Budget should fully fund the 70 level of pavement maintenance based on the Pavement Management System.

Response: We agree that the pavement maintenance program should be fully funded. Unfortunately, a dedicated funding source for this program does not currently exist. This is a problem that is being worked on at both the state and national level. The Board of Supervisors does have a policy of maintaining the 70 level of pavement quality. Without a dedicated funding source, the Board must weight the priorities of all county services when making the decision on funding this program.

8. The County should aggressively support efforts at the State level to provide local government a financing option for construction and repair of roads.

Response: Tim Nanson, County Engineer, has been very active in pursuing additional road funding from State revenue through his work with California State Association of Counties (CSAC) work groups on this issue as well as the County Engineers Association of California (CEAC). Our office will continue to participate and encourage other agency to pursue local needs through the State. Recently, these efforts have resulted in the Governor's proposed Transportation Congestion Relief Program as specifically delineated in AB 2829. On an even longer term basis SCA3, with voter approval should help fund long term road maintenance programs (see response to recommendation 3). However, the track record on legislation for getting state revenues to local roads has not been good. As an example, legislation on sharing Weight Fees on Trucks are consistently defeated and the recent proposal by the Governor on Transportation only garnered \$ 81 million to the Counties for local road rehabilitation.

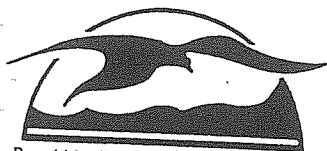
Sincerely,

 For:
TIMOTHY P. NANSON
County Engineer

File: CF 270.190.01 (Depts/County/Grand Jury)

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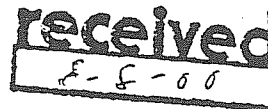
San Luis Obispo Council of Governments



Ronald L. DeCarli - Executive Director

Regional Transportation Planning Agency
Metropolitan Planning Organization
Census Data Affiliate

Service Authority for Freeways and Expressways



Arroyo Grande
Atascadero
Grover Beach
Morro Bay
Paso Robles
Pismo Beach
San Luis Obispo
San Luis Obispo County

August 2, 2000

Honorable E. Jeffrey Burke
Judge of the Superior Court
C/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, CA 93408

Re: Response to Grand Jury Letter dated June 26, 2000

Dear Judge Burke,

On August 2nd the San Luis Obispo Council of Governments considered excerpts of the San Luis Obispo County Grand Jury Report dated June 26, 2000 that pertained to the jurisdiction of the Council. The Council was provided a excerpts of the report and acted on the following findings and recommendations pursuant to Penal Code Section 933.05:

Finding #1 pertaining to the San Luis Obispo Council of Governments:

"SLOCOG effectively manages the receipt and allocation of limited State and Federal funds for road construction and repair, and for transportation generally. In addition, it is an effective advocate for increased funding for these purposes. Finally, it provides leadership in developing and presenting information about roads to local government officials and the public generally."

Response to Finding #1:

"The respondent agrees with finding". We thank the Grand Jury for the recognition.

Recommendation #1 pertaining to the San Luis Obispo Council of Governments:

"SLOCOG should prepare a new Pavement Maintenance and Rehabilitation Needs Report."

Response to Recommendation #1:

"The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation. Specifically, the task has been included in the FY 2000/01 Overall Work Program and budget approved by the Council on February 2, 2000 and modified on May 24, 2000. The task is included in Work Element #WE 3100 as follows: "...collect and analyze local street and road pavement conditions and update needs study...; Product: Year 2000 Pavement Condition Inventory". Scheduled completion December 31, 2000.

We appreciate the opportunity to be of assistance and to be responsive. If we can be of any additional assistance please call Ronald De Carli, the Executive Director at 781-4219.

Sincerely,

David Romero, President
San Luis Obispo Council of Governments

COUNTY SUPERIOR COURT PASO ROBLES BRANCH

FINDINGS

1. The courthouse is antiquated, is too small, and does not serve the employees or the public with adequate accommodations.
2. The parking spaces provided for employees are not secure, and there is no designated parking area for the public.
3. A courthouse is basically incompatible with a residential neighborhood.

RECOMMENDATIONS

1, 2, and 3. The 1999-2000 Grand Jury encourages a cooperative joint effort among the City of Paso Robles, the Court Administrative Office, and the County of San Luis Obispo leading to the construction of a new court facility that eliminates the problems identified in this report by:

- a. Providing a modern, safe workplace with the necessary secure parking for court officials and staff.
- b. Providing better access to the courthouse for the public, with an area to wait for their cases to be heard, and with ample parking.
- c. Adding more courtrooms to accommodate the growing demands of the North County.

REQUIRED RESPONSES

Under Penal Code Section 933.05:

The *San Luis Obispo County Board of Supervisors* and the *San Luis Obispo County Superior Court Administrative Office* are required to respond to all Findings and Recommendations.

The *City of Paso Robles* is required to respond to Finding #3 and all Recommendations.

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



DAVID EDGE
COUNTY ADMINISTRATOR

August 20, 2000

The Honorable E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, CA 93408

Dear Judge Burke:

I reviewed the findings the 1999-2000 San Luis Obispo County Grand Jury Report regarding the Superior Court - Paso Robles Branch. My response to their findings and recommendations are as follows:

Grand Jury Findings

1. The courthouse is antiquated, is too small, and does not serve the employees or the public with adequate accommodations.
2. The parking spaces provided for employees are not secure, and there is no designated parking area for the public.
3. A courthouse is basically incompatible with a residential neighborhood.

Response: Two studies are underway that will determine the adequacy of the courthouse in Paso Robles. Details are provided below.

Grand Jury Recommendations:

- 1,2 &3. The 1999-2000 Grand Jury encourages a cooperative joint effort among the City of Paso Robles, the Court Administrative Office and the County of San Luis Obispo leading to the construction of a new court facility that eliminates the problems identified in the report by:
- a. Providing a modern, safe workplace with the necessary secure parking for court officials and staff.
 - b. Providing a better access to the courthouse for the public, with an area to wait for their cases to be heard, and with ample parking.
 - c. Adding more courtrooms to accommodate the growing demands of the North County.

Response:

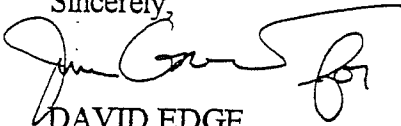
There are currently two studies underway that will help determine the adequacy of the county's court facilities, including the courthouse in Paso Robles. The studies include:

- 1) The state Task Force on Court Facilities is conducting a comprehensive review of statewide trial and appellate court facilities. The study will include review/revision of court facility standards/guidelines; projections of the impact population and judgeship growth on court facility needs; review of operational changes that would impact facility requirements; survey of all court facilities in the state; development of a capital investment options for correcting major deficiencies; recommendations on funding sources and financial mechanisms; and recommendations on ownership and operating models. The task force's second interim report is due January 1, 2001.
- 2) The Court and the County have contracted with a court space consultant, Carter Goble Associates, for a court facilities and site assessment. The report will focus on suitability and necessity. The major areas to be addressed are; identification of the level of compliance with the California Trial Court Standards, operational inefficiencies, and safety concerns. The report is scheduled to be completed by the end of September.

Additionally, the County, Courts and City of Paso Robles have been working cooperatively in addressing the courthouse issues in Paso Robles. The City of Paso Robles has identified property adjacent to their proposed Public Safety building for new courtrooms. The County Board of Supervisors approved funding for a site study which should be completed by the end of the fiscal year. The site study, in conjunction with the information in the two facility studies will help guide us towards the best facility solution.

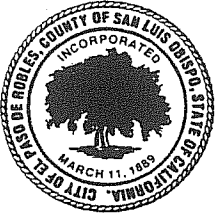
Funding issues are also being addressed. A blended funding approach may be the best option with a possible mix of County courthouse construction funds and state trial court funds or state bonds. The courts have indicated that a court bond issue is on the November ballot. If the ballot measure is successful, it may provide the necessary funds to begin a court building project. If a new courthouse is built, adequate space, safety and parking issues will certainly be addressed.

Sincerely,



DAVID EDGE

County Administrator



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

received
9-26-00

OFFICE OF THE
MAYOR

The Honorable E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, California 93408

September 8, 2000

1999/2000 San Luis Obispo County Grand Jury
San Luis Obispo County Superior Court - Paso Robles Branch

Dear Judge Burke:

The City Council of the City of El Paso de Robles thanks the Grand Jury for its inquiry into the conditions of, and improvement plans for, the facilities of the Paso Robles Branch Superior Court.

The City has long sought and encouraged both the Superior Court and the County Board of Supervisors to modernize and enlarge the Court's Paso Robles branch. There is considerable use of the facility by North County residents - as evidenced by the daily lines outside the branch awaiting entrance. Use of the branch provides convenient access and service to residents of the area and relieves congestion at the main court facility in San Luis Obispo.

Our specific responses to the 1999/2000 Grand Jury's findings and recommendations are:

- Finding #3 - Respondent agrees with the finding that a courthouse is basically incompatible with a residential neighborhood.
- Recommendation 1, 2 & 3 - Respondent is implementing the recommendation encouraging a cooperative joint effort leading to the construction of a new court facility to serve the North County. Over the past 10 years, City officials have initiated many meetings with both the court and County officials regarding relocation of the Paso Robles Branch San Luis Obispo Superior Court to better serve the North County as recently as August 30, 2000.

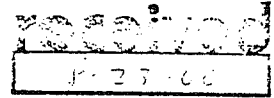
The City has acquired property adjacent to its City Hall/Library and future Public Safety Center complexes to facilitate the expansion of Paso Robles Branch Superior Court. Expanded facilities would help meet the growing demands of the North County.

Further, the adjacent parking (Public Safety Center and City Hall/Library) would improve access to the justice system. Lastly, a modern and secure facility would support efficient court administration by court officials and staff.

Unfortunately, a timeline for implementation is not under the City's control. The City hopes that the August 30, 2000 meeting will be the first step in developing the new branch of the North County Superior Court.

Sincerely,


Duane Picanco
Mayor



CHAMBERS OF
Hon. E. Jeffrey Burke
JUDGE OF THE SUPERIOR COURT
COUNTY GOVERNMENT CENTER
SAN LUIS OBISPO, CALIFORNIA 93408

August 17, 2000

Ms. Helen Summerfield, Foreperson
San Luis Obispo County Grand Jury
1120 Mill Street
San Luis Obispo, California 93408

RE: Paso Robles Superior Court Branch Facilities

Dear Ms. Summerfield:

We agree with the findings of the Grand Jury in regard to the court facilities in Paso Robles. The structures are insecure, antiquated, too small and incapable of providing the court services that ought to be offered to the community. The Grand Jury is also correct in its observation that parking for court employees is inadequately protected and that no parking is provided for the public. And we agree that a courthouse is incompatible with a residential neighborhood.

As you observed in your report, the County of San Luis Obispo is the entity responsible for providing adequate and secure court facilities. The court has always been committed to this goal and we are eager to work with other branches and subdivisions of government to accomplish it. But the Superior Court only administers the criminal and civil justice system and does not have the power of the purse. We cannot undertake projects that would provide the court facilities our communities require. As we have in the past, we can only urge the county and the state to do so.

The County was informed of security issues in the various court facilities years ago. They were specifically documented in

Ms. Helen Summerfield
Grand Jury Foreperson
August 17, 2000
Page Two

"The Safety and Security Measures Report" completed by Mr. Harry Munyon in 1995 and updated in 1998. A few of these issues have been addressed on a piecemeal basis.

As to the Paso Robles branch court, the Superior Court's administrative officers met with representatives of the City of Paso Robles and County officials to evaluate the relocation of the court to a site suggested by the City. The County promised a "massing study" of the site to determine whether it can support a court facility that will meet the needs of north-county residents. We look forward to further discussion of this option and remain eager to do whatever we can to facilitate the provision of adequate court facilities in north-county. As you noted, this cannot be accomplished with what exists today.

Recently, the Court and the County jointly commissioned a study of the suitability of all of San Luis Obispo's court facilities by an independent, nationally-recognized court planning organization. Carter Goble Associates's national experience in government planning includes services for the federal government and for more than 500 separate counties and municipalities in 48 states. Carter Goble's judicial planning experience is virtually unparalleled, including more than 800 trial courts nationally with court facility programming and design service for more than 8,000,000 gross square feet of space.

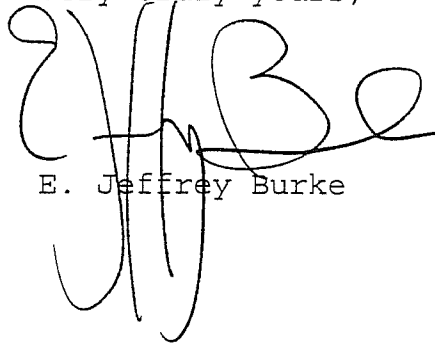
The court and the county asked Carter Goble Associates, Inc. to evaluate five court locations: the downtown court building in the San Luis Obispo Government Center, the Juvenile Court on Kansas Avenue, the Veteran's Memorial Building, the Paso Robles branch court and the Grover Beach branch court. A preliminary draft of the report was shared with the court and the county and a final draft is expected in September 2000. We expect the report to document and illustrate the obvious conclusion that court facilities in San Luis Obispo, Grover Beach and Paso Robles are inadequate. Phase Two of the study will recommend how the shortcomings can be cured. This report will provide the foundation for negotiations with the county, the court and the

Ms. Helen Summerfield
Grand Jury Foreperson
August 17, 2000
Page Three

State's Administrative Office of the Courts about how the
community's needs will be met.

We appreciate your interest in this topic and hope that you
will monitor the situation for the benefit of the community.

Very truly yours,

A handwritten signature in black ink, appearing to read "E. Jeffrey Burke". The signature is stylized with large, sweeping loops and a prominent "B".

E. Jeffrey Burke

YOUTH INTERVENTION SERVICES

FINDINGS

1. San Luis Obispo County has a number of outpatient daytime non-residential resources for out-of-control teenagers.
2. San Luis Obispo County continues to lack residential treatment for at-risk, out-of-control, and SED children and youth. The County has not given a sufficiently high priority to such residential treatment programs.
3. No single agency currently coordinates children's services effectively. The Children's Services Network, the logical organization for this purpose, lacks sufficient financial and political support from the Board of Supervisors to provide coordination and leadership in the planning and implementation of services for children and youth.

RECOMMENDATIONS

1. None
2. The Board of Supervisors should assign a high priority to reinstating a residential program serving out-of-control youth and should utilize the Children's Services Network for that purpose.
3. The Board of Supervisors should provide funding to the Children's Services Network to enhance its ability to provide leadership in coordinating services for children and youth. The Board's financial support of CSN should be accompanied by specific written expectations and conditions – including reporting on the effectiveness of interdepartmental programs.

REQUIRED RESPONSES

Under Penal Code Section 933.05, the *San Luis Obispo County Board of Supervisors* is required to respond to Findings and Recommendations 2 and 3.

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



DAVID EDGE
COUNTY ADMINISTRATOR

August 25, 2000

Hon.E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, CA 93408

Dear Judge Burke:

On June 26, 2000, the grand Jury issued a report on the subject of Youth Intervention Services. The following Grand Jury response is respectfully submitted for your early review in accordance with state statute. This response will be submitted to the Board of Supervisors for their consideration and approval.

State law requires jurisdictions that are the subject of a Grand Jury report to respond in writing to the findings and recommendations contained in the report. The 1999/00 Grand Jury conducted a review of Youth Intervention Services and reported their findings and recommendations on June 26, 2000. The County Administrative Office consulted with the Children's Services Network (CSN) to prepare the following response to the Grand Jury's report.

General Comments. The Board of Supervisors looks to its Departments and advisory groups to recommend comprehensive programs to address and recognize needs. Funding levels and initiatives to create the CSN and new programs for youth through our Health and Human Services Departments directly reflect the Board's interest in this area. Over the last several years, the child service organizations in the County have committed increasing amounts of their planning efforts, resources, and collaborative work to fill acknowledged gaps in services to children. These collaborative efforts have resulted in many improvements to the children services provided by the County. The following is a more detailed response to the grand Jury's report.

Finding #1. San Luis Obispo County has a number of outpatient daytime non-residential resources for out-of-control teenagers.

Recommendation #1: No recommendation was made by the Grand Jury with regard to this finding.

Response: The Board concurs with this finding.

Finding #2. San Luis Obispo County continues to lack residential treatment for at-risk, out-of-control, and SED children and youth. The county has not given a sufficiently high priority to such residential treatment programs.

Recommendation #2. The Board of Supervisors should assign a high priority to reinstating a residential program serving *out-of-control* youth, utilizing the Children's Services Network for this purpose.

Response. County Departments continue to work towards meeting the needs of youth and children by implementing a variety of programs, including residential facilities. In recent years, the Board of Supervisors has consistently allocated significant resources towards helping out-of-control youth. The Board recently approved a grant received by Drug and Alcohol for establishing a residential program for youth with substance abuse problems. In this year's budget, the Board of Supervisors also approved new funding to expand the SAFE System of Care to the south county. County Departments continue to pursue various treatment programs for youth, however as the Grand Jury report outlines, numerous issues or concerns exist with regard to the siting of these facilities.

Inpatient Treatment is one element of a comprehensive program developed to serve out-of-control youth. Funding is currently focused on elements of the program identified by the experts in the field as having higher priority in terms of results. It is difficult for the Board of Supervisors to respond to this Grand Jury recommendation unless the Grand Jury identifies other program elements that it believes should be eliminated to provide inpatient facility funding. In the meantime, county staff will continue to seek new funding opportunities to establish such facilities and programs.

Over the last two years, Mental Health has added nearly 36 professional and administrative positions. The majority of these positions provide direct services for youth and administrative support for such programs. The following describes some of the Health Agency's most recent efforts to expand services for these children:

- **Mental Health.** This years budget added two Therapists and one Psychiatrist to focus on youth who at risk of becoming involved with the criminal justice system or have been diagnosed with mental health and substance abuse problems. One of the goals is to reduce the risk of out of home placement by 15%. If this goal is achieved, it may reduce, but not fully alleviate the need for a residential treatment facility.
- **Drug and Alcohol.** Primary prevention activities are conducted with focus on youth by Drug and Alcohol services. The Prevention Alliance is active in coordinating county-wide activities for both adults and youth. The goal of primary prevention is to reduce the risk that a youth will need residential treatment services in the future. Intervention services focus on at risk individuals. Early intervention activities for youth are conducted in the schools and Juvenile Services Center. Start-up funding for an inpatient adolescent treatment facility has been approved by the Board in this year's budget.

In addition to in-home intensive services and crisis stabilization, more home-based resources and prevention programs are available to keep family and individual situations from escalating to an intensive need. Effective programs include conflict resolution/mediation, diversion programs for first time offenders, educational and recreational programs designed to prevent drug and alcohol abuse and parent development programs.

CSN has contributed to positive trends for youth in our County. According to CSN, out-of-home placements have declined steadily for several years, with out-of-state placements have decreased from 23 to 2, and out-of-county placements have been reduce from 70 to 40. While we agree more work needs to be done, progress is being made. Based on this information, it would seem that CSN is effectively accomplishing it's mission.

Finding #3. No single agency currently coordinates children's services effectively. The Children's Services Network, the logical organization for this purpose, lack sufficient financial and political support from the Board of Supervisors to provide coordination and leadership in planning and implementation of services for children and youth.

Recommendation #3. The Board of Supervisors should provide funding to the Children's Services Network to enhance its ability to provide leadership in coordinating services for Children and Youth. The Board's financial support of CSN should be accompanied by specific written expectations and conditions, including reporting on the effectiveness of interdepartmental programs.

Response. The decline of out-of-home and out-of-county placements described above is an important indicator of the effectiveness of the CSN. The Children's Services Network mission is to foster community partnerships to meet the needs of children, youth and families in San Luis Obispo County. CSN's vision is safe and healthy children, youth and families learning and growing to their full potential in supportive communities. The Strategic Plan for CSN identified the following goals:

- Create a community based system of service delivery sites for children, youth, and families,
- Be recognized as an expert resource on children, youth and families in San Luis Obispo,
- Develop local resources to reduce out-of-county/out-of-state placements,
- Increase and strengthen partnerships for the integration of child, youth and family services, and
- Maximize current resources and secure additional resources for children, youth and families.

CSN's Accomplishments Report for FY 1998-1999 states that many of these goals have been met and significant progress has been made on the rest of the goals. The CSN provides a forum for a diverse group of agencies and children service providers to discuss a variety of relevant issues. The Accomplishment's Report indicates that CSN has been able to achieve their goals utilizing existing resources. Providing increased funding does not guarantee more effective leadership.

The Board has appointed a representative from each of their districts to the CSN. Also, many County Department Heads serve on CSN at the direction of the Board. These actions, plus the annual payments made by many County Agencies, demonstrates the commitment of the Board to CSN. County agencies are encouraged to make their annual payment on-time. It should also be noted that the Board of Supervisors has little or no control (political or financial) over most of the following agencies participating in CSN:

- County Administrative Officer - Ex Officio
- County Board of Supervisors Appointees
- Chiefs of Police Association
- City Administrators/Managers
- Communications Committee Chair Program (CSTEP)
- County Sheriff
- District Attorney
- Education and Training Committee Chair
- Foster Parent Association
- Housing Authority Committee Chair
- Latino Outreach
- Legislative Committee Chair
- Ministerial Association
- Paso de Robles Boy's School
- Probation Department Chief Representative
- Restorative Justice and Mediation Board Council (SLOCAP)
- Social Services Department Director (SELPA)
- Superintendents of School Districts
- Transitions/Mental Health Association
- United Way
- Welfare Reform Committee Chair
- County Board of Supervisors - Ex Officio
- California Polytechnic State University
- Child Care Planning Association
- Commission on Children and Youth
- Community School Transitional Education
- County Counsel - Ex Officio
- Cuesta Community College
- Drug and Alcohol Services Director
- Economic Opportunity Commission (EOC)
- Health Agency Director
- Integrated Services Delivery
- Juvenile Justice Commission
- League of Women Voters
- Mental Health Director
- Partnership for the Children
- Private Industry Council (PIC)
- Residential Care Organization
- San Luis Obispo Child Abuse Prevention
- Special Education Local Planning Area
- Superintendent of County Schools
- Superior Court Judge/Commissioner
- Tri-Counties Regional Center
- Voices for Children (CASA)

Improving the coordination between agencies and organizations is a goal that all participating members are striving to achieve. It is the responsibility of each CSN member to ensure that the group fulfills its commitment to work together to provide effective children's services.

The Board of Supervisors has allocated a substantial amount of financial resources in support of children services. Much of this pays for direct services to at-risk children in our community. The Board also allocates a significant amount of funding to pay the salaries of Department Heads, managers and line staff who participate on the CSN and related subcommittees and task forces. These individuals are expected to provide leadership and coordination skills needed to provide effective services for children that live in our County. We are unclear as to what leadership issues the Grand

Jury is referring to and, as such cannot comment on whether providing more funding to the CSN will remedy these concerns.

The allocation of County funds through the budget process involves the approval of the Board of Supervisors who are the elected representatives of the voters. Funding decisions are based on considering community needs and wants along with the legislatively mandated programs and services that the County must provide. Funding of programs and services are considered by the Board of Supervisors during the annual budget process. A budget request from a CSN member agency/department to increase funding for CSN may be made to the Board during the annual budget process.

In summary, the Board believes that the members of the CSN are highly qualified and capable of providing the leadership and coordination needed to ensure that children services are provided in a most effective manner. However, the extent to which these skills are utilized effectively depends greatly on the groups's ability to work together to maximize the expertise and talents of the membership.

Thank you for considering this response. If you have any questions please call me at (805) 781-5011.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Edge", followed by a horizontal line.

DAVID EDGE
County Administrative Officer

CULINARY ARTS ACADEMY AND FOOD SERVICES FACILITY PASO ROBLES SCHOOL DISTRICT

FINDINGS

The new Food Services Facility provides a successful model. Operating from a self-supporting financial base, the Facility provides a needed and cost-effective meal preparation service for the District and frees up critical space at the crowded school sites, particularly Paso Robles High School.

2. The Academy provides practical career-oriented training for students interested in various aspects of the food services industry and an educational service for community members who want to improve their cooking skills.

3. The Academy is actively exploring means of expanding its operations and its availability to additional high school students in the District.

4. Because its first students will not graduate until June 2001, the Academy does not yet have a job placement program.

5. The Academy is exploring ways of working with Cuesta College to establish a culinary arts program at the community college level.

6. Serious transportation problems, besides scheduling difficulties, pose obstacles to students from other districts who are or might be interested in attending the Academy.

7. The ROP in San Luis Obispo County does not actually appear, as a practical matter, to be "regional" at all, in the sense that virtually no students take advantage of programs offered by districts other than their own.

8. Still in its first year, the Academy has prepared little documentation concerning its operating procedures, raising a concern about efficient continuity if key personnel were to leave.

RECOMMENDATIONS

1 and 2. The Facility and the Academy should be viewed as working models with potential application to other school districts, and District and ROP representatives are encouraged to share their knowledge concerning this accomplishment.

3. Having successfully introduced its culinary arts program, the Academy is encouraged to expand its operations and to schedule classes to accommodate as many high school students as possible.

4. Although it has no graduates yet, and although its students will be encouraged to continue their formal education after graduation, the Academy should put an active job placement program into place, making full use of the expertise and experience of its Advisory Committee.

5. The Academy should continue its efforts to establish a culinary arts program with Cuesta College, thereby making available locally the continuing formal education its graduates will be encouraged to seek.

6 and 7. The ROP should explore all possible means of enabling students from other districts to attend the Academy and of enabling students from throughout the County to participate in programs offered by districts other than their own. The District, and the other districts in the County, should assist the ROP in doing so.

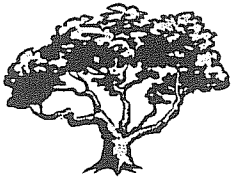
8. The Academy should fully and clearly document its operating procedures to assure efficient continuity.

REQUIRED RESPONSES

Under Penal Code Section 933.05:

The ***Paso Robles School District*** is required to respond to Findings 1 through 6 and 8, and to all Recommendations.

The ***Santa Lucia Regional Occupational Program*** is required to respond to both Findings and Recommendations 6 and 7.



PASO ROBLES PUBLIC SCHOOLS

800 Niblick Road, P.O. Box 7010 • Paso Robles, CA 93447
Tel (805) 238-2222 • Fax (805) 237-3339

received
10-5-00

Patrick J. Sayne, Ed. D., Superintendent

September 29, 2000

Hon. E. Jeffery Burke
Judge of the Superior Court
c/o Mary O'Donnell-Room 236
County Government Center
San Luis Obispo, CA 93408

TRUSTEES

Jeanne Dugger
Pat Johnson
Bob Machado
Joe E. Quiroz
Pat Swindell
Diane Ward
Dawn Zmugg

Re: Grand Jury Report on Culinary Arts Academy and Food Services Facility

Sir:

Pursuant to Penal Code Section 933 in answer to the June 26, 2000, report of the San Luis Obispo County Grand Jury, the Paso Robles Joint Unified School District respectfully submits the following response:

Findings:

#1 Finding: The new Food Services Facility provides a successful model, operating from a self-supporting financial base, the Facility provides a needed and cost-effective meal preparation service for the District and frees up critical space at the crowded school sites, particularly Paso Robles High School.

#1 Response: The respondent agrees with the finding.

In addition to meeting current needs, the Food Services Facility is also capable of housing students for other core curriculum in the future should the need arise..

#2 Finding: The Academy provides practical career-oriented training for students interested in various aspects of the food services industry and an educational service for community members who want to improve their cooking skills.

#2 Response: The respondent agrees with the finding.

Currently 53 ROP students including some from Templeton High School are enrolled in three classes (two periods each). Planned courses are being scheduled with Cuesta Adult Education. Since its opening, approximately 150 adult students have attended classes that range from beginning cooking to advanced cooking skills.

#3 Finding: The Academy is actively exploring means of expanding its operations and its availability to additional high school students in the District.

#3 Response: The respondent agrees with the finding.

Through an aggressive recruiting program, the enrollment percentage has increased by 177% since opening in the Fall of 1999. The number of sections offered has increased from one in the Fall of 1999, to two in the Spring of 2000, and to three in the Fall of 2000. Students from Templeton High School make up 7.5% of the current enrollment.

#4 Finding: *Because its first students will not graduate until June 2001, the Academy does not yet have a job placement program.*

#4 Response: The respondent agrees partially with the finding.

Currently, local restaurants have contacted the Academy with employment needs. When the first students complete the two-year program in June 2001, there will be job placements available for them. The Academy will soon have a formalized list of businesses seeking graduate employees. The job placement program is still a *work in progress*.

#5 Finding: *The Academy is exploring ways of working with Cuesta College to establish a culinary arts program at the community college level.*

#5 Response: The respondent agrees with the finding.

The Academy has already scheduled Cuesta Adult Education courses. Cuesta College has an articulation process whereby students can receive community college credit. The newly revised articulation process involves secondary and community college faculty working together to develop community college level course final exams that the secondary teachers administer to their students. If passed, the secondary student receives community college credit and can move into higher level community college courses. Cuesta College's culinary arts program is also a *work in progress*. Paso Robles Public Schools and the community college are currently collaborating to bring this goal to fruition.

#6 Finding: *Serious transportation problems, besides scheduling difficulties, pose obstacles to students from other districts who are or might be interested in attending the Academy.*

#6 Response: The respondent agrees with the finding.

Transportation for students living great distances from the Academy will continue to be a problem. Unfortunately, the Santa Lucia ROP's imposed capped income set by the State of California does not include funds for transportation. Some districts do allow students to transport themselves pursuant to their local board policy regulations.

If ROP funds from the current ROP funding formula from the State were used for transportation between school districts, funds currently used for equipment and/or materials to keep all courses aligned to industry standards would be greatly minimized. The Academy has scheduled a class for the last 2 hours of the high school's bell schedule to better accommodate students from other districts

and the other districts' bell schedules. As a result, there are students from Templeton High School enrolled in the program for the first time this year.

Transportation is not fully funded by the State of California and not mandated. Currently, home-to-school transportation encroaches on the school district's operating budget. While the district will explore some transportation options, it is unlikely, given the distances and costs involved, that bus transportation is a possibility in the foreseeable future.

Scheduling difficulties may continue to be a problem because each district has autonomy over its secondary daily bell schedule and its school year calendar.

#8 Finding: Still in its first year, the Academy has prepared little documentation concerning its operating procedures, raising a concern about efficient continuity if key personnel were to leave.

#8 Response: The respondent partially agrees with the finding.

Due to the changing nature of purveyors and bi-annual bids, it is very difficult to write a detailed operating procedure for the complete operation. Several of the positions are cross-trained so that in the event of an absence of any length of time, they can be easily filled.

For any instructional position, there is never an automatic replacement waiting for a specific teaching position if that teacher were to leave. However, if a vacancy occurs or the district knows that one is going to occur, the district acts immediately to implement its hiring practices to fill a teaching vacancy in a timely manner with a qualified instructor. During the day to day operations of the Academy, if the current instructor is absent, written lesson plans aligned to the curriculum are available to the substitute teacher.

RECOMMENDATIONS:

#1 and 2 Recommendations: The recommendation has been implemented.

1 and 2 Recommendations: The Facility and the Academy should be viewed as working models with potential application to other school districts, and District and ROP representatives are encouraged to share their knowledge concerning this accomplishment.

Once a curriculum for a course has been approved by the Santa Lucia ROP and by the State, it is automatically available for use by any other high school in the regional ROP. All the ROP coordinators know this and frequently offer a course in their school which was developed by another school in the Santa Lucia ROP. Both instructors and ROP steering members consult with another high school that may want to implement a course currently being offered at a high school in the County.

The district is open for tours of the facility by other districts. The high school principals and the superintendents do share information with each other and visit each other's site if they are interested in learning about or duplicating any facility or program.

#3 Recommendation: The recommendation has been implemented.

#3 Recommendation: Having successfully introduced its culinary arts program, the Academy is encouraged to expand its operations and to schedule classes to accommodate as many high school students as possible.

In the Spring of 2000, the culinary arts program was advertised to all the high schools in the County. Enrollment for both a summer course as well as the regular school year was solicited. There was no interest in a summer program by any students in the Paso Robles Public Schools or other districts. However, there was interest by several Templeton High School students for fall enrollment. Some of those interested were able to accommodate their classes at Templeton High School as well as being able to attend a culinary arts class at the Academy. Efforts to increase enrollment from other high schools will continue to be a priority.

In addition, this past summer, the Academy was involved with the Young Men's Program sponsored by the San Luis Obispo County Public Health Department in Paso Robles and by a State Community Challenge Grant. A summer cooking program through the Academy was attended by students from the comprehensive and continuation high schools as well as the two middle schools.

#4 Recommendation: The recommendation has been implemented.

#4 Recommendation: Although it has no graduates yet, and although its students will be encouraged to continue their formal education after graduation, the Academy should put an active job placement program into place, making full use of the expertise and experience of its Advisory Committee.

The Academy is working with local businesses to develop a job development plan. With the growing need for qualified employees in the restaurant industry, finding employment for those students who may want to work while either enrolled in the program or want to enter the workforce upon graduation, access to employment will be available. By mandate, the Advisory Committee meets on a regular basis to review curricular competencies and standards and to address issues relating to the restaurant industry, e.g. finding qualified employees.

#5 Recommendation: The recommendation has not yet been implemented, but will be implemented in the future.

#5 Recommendation: The Academy should continue its efforts to establish a culinary arts program with Cuesta College, thereby making available locally the continuing formal education its graduates will be encourage to seek.

This recommendation is a *work in progress*. Both the district and the community college desire to bring this goal to fruition. However, there are issues and constraints that have to be addressed by both entities. The district does not have autonomy over the priority of goals, time lines, or actions of a community college. It is expected that progress made by both parties will continue in a timely manner so that Academy graduates could have access to a program at the community college level upon their graduation from the Academy.

#6 and 7 Recommendations: The recommendation has been implemented to the degree as follows.

#6 and 7 Recommendations: *The ROP should explore all possible means of enabling students from other districts to attend the Academy and of enabling students from throughout the County to participate in programs offered by districts other than their own. The District and the other districts in the County, should assist the ROP in doing so.*

Each high school in the north county has advertised its course offerings with the other high schools in an effort to encourage students from other schools to enroll in ROP courses not offered at their high schools. Julian Crocker, County Superintendent, has the goal of standardizing the school calendar for the entire County. However, the practicality of this will remain to be seen considering each district's local autonomy and the requirement to negotiate any changes in working conditions, e.g., calendar work year, with each district's exclusive collective bargaining representatives.

The exploration for solutions and/or any possible means to accommodate students from other schools will continue to have a high priority for discussion by the ROP Steering Committees.

In the past, the district has cooperated with the policies and procedures developed by the Santa Lucia ROP and expects to continue to do so in an effort to best serve students in the county ROP programs.

#8 Recommendation: The recommendation has been implemented to the degree as follows.

#8 Recommendation: *The Academy should fully and clearly document its operating procedures to assure efficient continuity.*

As a new undertaking, operating procedures for the Academy are being developed. The California Education Code, Labor Laws, Health and Safety Requirements, as well as local ordinances already provide direction for many of the operations. As stated in the response to #8 Finding, it is difficult to write a detailed operating procedure for the complete operation. Several of the personnel positions are cross-trained so that in the event of an absence of any length of time, it can be easily filled.

For any instructional position, there has never been an automatic replacement waiting for a specific teaching position if a teacher were to leave. However, if a vacancy occurs or the district knows that one is going to occur, the district acts immediately to implement its hiring practices to fill a teaching vacancy with a qualified instructor. During the day to day operations, if the current instructor is absent, written lesson plans aligned to the curriculum are available to the substitute teacher.

Sincerely,



Patrick J. Sayne
Superintendent

c: Members, Board of Trustees



Santa Lucia Regional Occupational Program

Timothy C. Hallett, ROP Director
602 Orchard Street
Arroyo Grande, CA 93420

Phone: (805) 473-4390 ext 354
Fax: (805) 473-5593
E-mail: thallett@luciamar.k12.ca.us

received
9-26-00

September 15, 2000

Hon. E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell – Room 236
County Government Center
San Luis Obispo, CA 93408

Enclosed is my response to the "Finding" and "Recommendations" included in the 1999-2000 San Luis Obispo County Grand Jury's Report – Culinary Arts Academy and Food Services Facility Paso Robles School District.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Hallett", written in dark ink.

Tim Hallett,
Superintendent, Santa Lucia ROP

TH:cn

Encl.

SEP 2000
Received
Superior Court
HF



Santa Lucia Regional Occupational Program

Timothy C. Hallett, ROP Director
602 Orchard Street
Arroyo Grande, CA 93420

Phone: (805) 473-4390 ext 354
Fax: (805) 473-5593
E-mail: thallett@luciamar.k12.ca.us

September 15, 2000

RESPONSE TO THE "FINDING" AND "RECOMMENDATIONS" INCLUDED IN THE 1999-2000 SAN LUIS OBISPO COUNTY GRAND JURY'S REPORT

Culinary Arts Academy and Food Services Facility
Paso Robles School District

Santa Lucia Regional Occupational Program response to findings and recommendations 6 and 7

#6 Finding: Serious transportation problems, besides scheduling difficulties, pose obstacles to students from other districts who are or might be interested in attending the Academy.

#6 Response: The respondent agrees with the finding.

Though the problem that has been stated is accurate, it is not an easy obstacle to overcome. This is a problem that has been before the ROP Board of Trustees and the districts for a number of years. The ROP Director has recognized this problem and has spent a significant amount of time in discussions to solve the problem. The ROP will continue to study this problem to hopefully come to resolution or partial resolution someday. This problem revolves around the following points:

1. The lack of money - more than anything else - is the issue to resolve the problem of transportation for the ROP and the districts. To provide transportation would result in an extreme hardship. This would result in significantly reducing the available funds for the operation of programs. The ROP has an imposed capped income set by the State of California. That income does not include funds for transportation and the district receives less than full cost for providing transportation services. At this time the solution that has been imposed is some districts allow the students to transport themselves.

Daily start and stop times need to be adjusted depending on the district. The time of day ROP classes are offered needs to be coordinated as to academic classes, etc. The kind of daily schedule that is in operation in a school (regular hourly schedule vs. block schedule and/or variations of either one).

3. Impact of increased academic requirements set by the state and individual school districts have made the scheduling of ROP classes very difficult with little flexibility in the student's schedule to take ROP classes.

Any one or all of these may be overcome depending on the class, student flexibility, school and time of day the class is offered.

#7 Finding: *The ROP in San Luis Obispo County does not actually appear, as a practical matter, to be "regional" at all, in the sense that virtually no students take advantage of programs offered by districts other than their own.*

#7 Response: The respondent does not totally agree with the finding.

The fact that the ROP is not regional is not at all accurate. It is, however, accurate that few students take advantage of programs offered by districts other than their own. The ROP in this county is regional in all aspects of finance, curriculum development, advisory meeting, community support and input, job market analysis and program quality assessment. The student population that moves between districts and/or participates in centralized programs are few this past year. In years past it has been better and is expected to again get better as the Culinary Arts Academy gains a reputation.

#6 & #7 Recommendation: *The ROP should explore all possible means of enabling students from other districts to attend the Academy and of enabling students from throughout the County to participate in programs offered by districts other than their own. The District, and the other districts in the County, should assist the ROP in doing so.*

The recommendation has been implemented, with the following summary of action taken to date:

1. Each high school in the north county has centralized with the ROP their ROP offerings. Any high school student has the ability to sign up for any ROP class in any district if they desire and/or they can fit it into their schedule. This was implemented this year and the results of this strategy are not available as of yet.

2. The County Superintendent, Dr. Julian Crocker, is working with the superintendents to standardize the school calendar in the county. This would be a great help. It not only takes the cooperation of each district, it also takes the cooperation of each employee union within each district. There is no time line for this strategy at this time.
3. Discussions are now taking place as a total ROP of piloting some ROP offerings during the summer and/or outside regular school hours. This may make it easier for students to attend other schools.
4. The Culinary Arts Academy coordinator sent invitations to all the schools in the County informing each school of the accessibility of the ROP Culinary Arts Academy for all students in the county.
5. The discussion of how to implement students attending ROP programs in other districts has been and will continue to be a part of the Santa Lucia ROP Steering Committee and Board of Trustees discussion each year.
6. District Superintendents will be brought into the discussion this year as they have been in years past.
7. The ROP Director is working at the state level to try and acquire funds to pay for transportation.
8. The ROP piloted last year the process of comparison of ROP competencies with the state academic standards so ROP classes can be used to enhance, support and/or take the place of some academic classes. The process will be implemented this year at Arroyo Grande High School.

Sincerely,



Tim Hallett,
Superintendent Santa Lucia ROP

TH:cn

ROP PROGRAM
AT
PASO ROBLES HIGH SCHOOL CULINARY ACADEMY

- ✧ Applications now being accepted for the September, 2000 school year
- ✧ Class open to students in their Junior & Senior year who are seriously considering The Culinary Arts for their future
- ✧ Approximate time of class 1:00 - 3:00pm

Students interested need to register with their school counselor

This class prepares students for a variety of positions in the Culinary Arts

- ✧ Some of the subject matter included as follows:

Hands on Baking
Breakfast Preparations
Baking Pastries and Desserts
International Cuisine
Meat Handling and preparations
Soups & Sauces
Cooking Techniques
Skill Development
Nutrition & Healthy Cooking
Food & Kitchen Safety
Equipment Identification
Sanitation
Table Service
Management
And much more

ROP Summer School Classes

- ✧ June 26 - August 10, 2000
- ✧ Monday through Thursday ✧ 8:00am - 11:00am
- ✧ Open to students entering grades 9-12
- ✧ Class limited to 15 students

SAFETY IN COUNTY HIGH SCHOOLS

FINDINGS

1. Lockdown drills are not being performed regularly at some of the reviewed high schools.
2. Two-way electronic communication is not available in every classroom and campus area. The equipment available is, for the most part, inadequate and outdated.
3. Most classroom doors can be locked only from the outside. This situation presents potential problems in an emergency.
- 4a. Communication from staff on all campuses indicates that awareness of individual student behavior is essential to school safety.
- 4b. Each of the four sampled campuses utilizes counselors to intervene with students whose behavior on a particular day has been identified as unusual.
- 4c. Preventive and interventive counseling services are an effective and integral part of school safety.

RECOMMENDATIONS

From its observations on the sampled high school campuses, the Grand Jury makes the following recommendations for improvement of school safety to all Districts having high schools in San Luis Obispo County:

1. Each high school should schedule and implement lockdown drills in the Fall and Spring semesters.
2. Each school district should provide an effective two-way communication system for utilization in every classroom.
3. Each school district should establish a means of locking classroom doors from the inside, consistent with existing fire regulations.
4. Each school district should consider whether additional counselors should be hired.

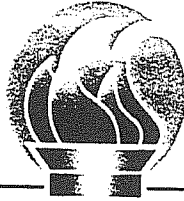
REQUIRED RESPONSES

Under Penal Code Section 933.05:

The following School Districts in San Luis Obispo County having high schools are required to respond to all Findings and Recommendations: *Atascadero Unified School District, Coast Unified School District, Lucia Mar Unified School District, Paso Robles Joint Unified School District, San Luis Coastal Unified School District, Shandon Joint Unified School District*, and *Templeton Unified School District*.

The *San Luis Obispo County Office of Education*, which operates Community high schools is required to respond to all Findings and Recommendations.

received
10-5-00



SAN LUIS OBISPO COUNTY
OFFICE OF EDUCATION
LEADERSHIP ■ COMMUNITY ■ SERVICE

Hon. E. Jeffrey Burke
Judge of the Superior Court
C/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, CA 93408

Julian D. Crocker, Superintendent

Dear Sir,

This document is a response to the 1999 - 2000 San Luis Obispo Grand Jury Report, **"Safety in County High Schools,"** sent to us by the Jury Foreman, Michael A. Clark. Staff members of the Alternative Education Department of the San Luis Obispo County Office of Education have reviewed the entire document and, pursuant to Penal Code Section 933(c), are submitting the following responses:

FINDINGS

1. **Lockdown drills are not being performed regularly at some of the reviewed high schools.**

The respondent agrees with the finding.

2. **Two-way electronic communication is not available in every classroom and campus area. The equipment available is, for the most part, inadequate and outdated.**

The respondent agrees with the finding.

3. **Most classroom doors can be locked only from the outside. This situation presents potential problems in an emergency.**

The respondent agrees with the finding.

- 4a. **Communication from staff on all campuses indicated that awareness of individual student behavior is essential to school safety.**

The respondent agrees with the finding

- 4b. **Each of the four sampled campuses utilizes counselors to intervene with students whose behavior, on a particular day, has been identified as unusual.**

The respondent agrees with the finding.

- 4c. **Prevention and intervention counseling services are an effective and integral part of school safety.**

The respondent agrees with the finding.

RECOMMENDATIONS

- 1. Each high school should schedule and implement lockdown drills in the fall and spring semesters.**

The recommendation has not yet been implemented, but it will be implemented starting with the spring semester. The schools are currently studying the lockdown and emergency lockdown process. Administration and our School Resource Officer, Dale Anderson of the County Sheriff's Department, attended a workshop with other district personnel to learn more about the procedures needed. Our Supervising Probation Officer, George Sheffield, and Assistant Area Director, Christine Granados, will be working with staff to design the procedures during the 2000/01 fall semester. We plan to have our first drill at all sites the first part of the spring semester. We will review the process, make any needed changes, and then institute a regular schedule of practice drills to be carried out twice per year as outlined in the recommendation.

- 2. Each school district should provide an effective two-way communication system for utilization in every classroom.**

The recommendation has been implemented at all sites. We have installed a sophisticated telephone/intercom system at our North County, San Luis Obispo, and Arroyo Grande Community School sites. The Nipomo site has three portable phones and walkie-talkies for all teachers and the probation assistant. Our Mountain View site also has cordless phones and walkie-talkies for all teachers and staff.

- 3. Each school district should establish a means of locking classroom doors from the inside, consistent with existing fire regulations.**

The recommendation requires further analysis. We have contacted the Operations and Maintenance Department head, Dave Keil, to ask for a cost analysis of this recommendation. It may cost between one and three hundred dollars per lock and much more if a new door is needed. Because we will be building new schools in Atascadero, for the north county, and Nipomo, for the south county, we have concerns about investing large dollar amounts into these existing facilities. This would leave our San Luis Obispo and Mountain View sites in need of review due to probable long-term occupation. When we have the cost analysis completed we will review the budget and plan for implementation at the first financially reasonable opportunity. We agree that inside locking is an important safety feature on all classroom doors and will incorporate this into the design of our new schools.

- 4. Each school district should consider whether additional counselors should be hired.**

The recommendation has been implemented at all sites and we are working to increase the number and type of counselors available to students in all our schools. We currently have at all sites the services of a Transition Counselor who works with students to set goals and plan for their educational and vocational futures. We have a Vocational Counselor who works with our students to develop work-study opportunities and directs the Work

Employment Education curriculum at all our sites. We have two Truancy Counselors who work with students who are habitual truants at our sites. We also have Drug and Alcohol Counselors at all our sites as well. In addition, we have a School Resource Officer and an additional counselor position through our School Policing Grant. These services will be added to the Mountain View and Nipomo Community Schools. Although we have created a strong support network for our students, we feel that added resources are needed. We have a very difficult and challenging population at the Community Schools. Our students are in need of wrap-around services, and intensive counseling/mental health care. Our previous working relationship with Mental Health included a Day Treatment Center, which is no longer in place. We have asked County Mental Health to reconsider their decision to eliminate their support for this program, and will continue discussions around that issue.

Submitted by:

Jeanne Dukes, Area Director
Alternative Education

c: Julian Crocker, Superintendent



ATASCADERO HIGH SCHOOL

ONE HIGH SCHOOL HILL • ATASCADERO, CALIFORNIA 93422

PHONE: (805) 462-4300

received
9-14-00

KIM SPINKS, *Interim Principal*

Date: September 6, 2000

To: Hon. E. Jeffrey Burke

From: Kimberley S. Spinks, Interim Principal

Re: Required Responses to Grand Jury Report on Safety in County High Schools

Findings

1. Lockdown drills are not being performed at some of the reviewed high schools.
 - *Atascadero High School agrees with the findings.*
2. Two-way electronic communication is not available in every classroom and campus area. The equipment available is, for the most part, inadequate and outdated.
 - *Atascadero High School disagrees partially with the findings. At Atascadero High School we have two-way communication available in all of our classrooms with the exception of two. In those two rooms they do have access to a direct dial telephone. I would agree that the equipment is in question to its reliability, which would lead me to say that it is inadequate and outdated.*
3. Most classroom doors can be locked only from the outside. This situation presents potential problems in an emergency.
 - *Atascadero High School disagrees partially with the findings. Fire codes require us to have breakaway bars on doors and classrooms that can be vacated quickly in a time of panic.*
- 4a. Communication from staff on all campuses indicates that awareness of individual student behavior is essential to school safety.
 - *Atascadero High School agrees with the findings.*
- 4b. Each of the four sampled campuses utilizes counselors to intervene with students whose behavior on a particular day has been identified as unusual.
 - *Atascadero High School agrees with the findings.*
- 4b. Preventive and interventive counseling services are an effective and integral part of school safety.
 - *Atascadero High School agrees with the findings.*

Recommendations

1. Each high school should schedule and implement lockdown drills in the Fall and the Spring semesters.

- *The recommendation has not yet been implemented, but will be implemented in October 2000.*

2. Each school district should provide an effective two-way communication system for utilization in every classroom.

- *The recommendation has been implemented at Atascadero High School, with the exception of two classrooms. In those two classrooms the district has provided a direct dial telephone line and phone. The two-way communication system is periodically checked and serviced in order to keep it functioning in all classrooms.*

3. Each school district should establish a means of locking classroom doors from the inside, consistent with existing fire regulations.

- *The recommendation will not be implemented because it is against fire code.*

4. Each school district should consider whether additional counselors should be hired.

- *The recommendation has been implemented at Atascadero High School. At the beginning of the 1999-2000 school year, we hired a counselor who taught our Peer Mediation class, coordinated the after-school tutoring for at-risk students and worked in our Career Training Center. During the 2000-2001 school year, this counselor will teach the Peer Mediation class, coordinate the after-school tutoring for at-risk students and she will pick up a counseling caseload.*



COAST UNIFIED SCHOOL DISTRICT

2950 Santa Rosa Creek Road

Cambria, California 93428

GOVERNING BOARD:

Louis Barnes

Stuart Selkirk

Madie Gracey

Forrest Warren

Kathryn Madonna



District Office

(805) 927-3880 or 772-5903

FAX: (805) 927-0312

Hon. E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Doimell - Room 236
County Government Center
San Luis Obispo, CA 93408

August 14, 2000

Reference: Grand Jury Report - Safety in County High Schools

FINDINGS

1. Coast Unified School District agrees with the finding.
2. Coast Unified School District agrees with the finding.
3. Coast Unified School District agrees with the finding.
- 4a. Coast Unified School District agrees with the finding.
- 4b. Coast Unified School District agrees with the finding.
- 4c. Coast Unified School District agrees with the finding.

RECOMMENDATIONS

1. The recommendation has not yet been implemented, but will be implemented in the future. Lockdown drills will be implemented with the start of the 2000/2001 school year.
2. The recommendation has been implemented. All classrooms on the campus currently have two-way communications with the main office and can also dial 9-1-1 in an emergency.
3. The recommendation has not yet been implemented, but will be implemented during the modernization of the high school campus which starts August of 2000 over the next four years.
4. The recommendation has been implemented. A counselor was paid for in part by the 1999/2000 California Safe School Grant.

Respectfully Submitted,

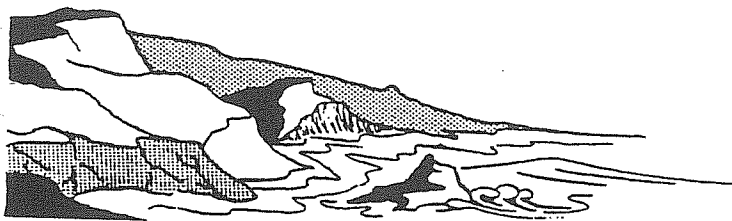
Pamela Martens, PhD
Superintendent

Cambria Grammar School
1350 Main Street
Cambria, CA 93428
(805) 927-4400

Santa Lucia Middle School
2850 Schoolhouse Lane
Cambria, CA 93428
(805) 927-3693

Leffingwell Continuation High School
2820 Santa Rosa Creek Road
Cambria, CA 93428
(805) 927-7148

Coast Union High School
2950 Santa Rosa Creek Road
Cambria, CA 93428
(805) 927-3889 or 772-3887



received
19 7 00
Lucia Mar Unified School District
602 ORCHARD ST., ARROYO GRANDE, CA 93420
(805) 473-4390 x 300 FAX (805) 481-1398

ARROYO GRANDE

NIPOMO

GROVER BEACH

OCEANO

PISMO BEACH

OFFICE OF THE SUPERINTENDENT

September 25, 2000

Hon. E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, CA 93408

Subject: Grand Jury Report on Safety in County High Schools

Dear Judge Burke:

This letter is submitted in response to the recommendations included in the Grand Jury report received by the District on June 26, 2000. The District was requested to respond to recommendations for improved school safety for high schools within its area.

District Response to Grand Jury Findings and Recommendations

Finding 1: Lockdown drills are not being performed regularly at some of the reviewed high schools.
Recommendation: Each high school should schedule and implement lockdown drills in the Fall and Spring semesters.

The District disagrees with the finding as a regular lockdown drill is part of the high school calendar. The recommendation for two lockdown drills during the school year will be incorporated. Each high school within Lucia Mar Unified School District will schedule and implement lockdown drills in the Fall and Spring semesters. These drills will be monitored by the district's emergency coordinator and will begin in Spring 2001.

Finding 2: Two-way electronic communication is not available in every classroom and campus area. The equipment available is, for the most part, inadequate and outdated.
Recommendation: Each school district should provide an effective two-way communication system for utilization in every classroom.

The District disagrees partially with the finding for Arroyo Grande High School. Some classrooms do have adequate two-way communications systems. The District

agrees with the recommendation to equip every classroom with an effective two-way communication system and its goal is for every classroom to have a means of communication, either by telephone or hand held radio, by the end of the year. The long-term plan is to have a phone installed in every classroom. In the interim, two-way radios and cell phones will be provided to ensure adequate communication. After the new phone system is installed, we will continue to strategically place two-way radios in the event of phone line failure or interruption.

Lopez Continuation High School currently has two-way communication in every classroom.

- Finding 3: Most classroom doors can be locked only from the outside. This situation presents potential problems in an emergency.
Recommendation: Each school district should establish a means of locking classroom doors from the inside, consistent with existing fire regulations.

The District agrees with the finding. Currently, classrooms at Arroyo Grande High School and Lopez Continuation High School do not have a means of locking classroom doors from the inside. The recommendation, while not yet implemented, will be phased in over the next five years as the district plans to convert the locks on classroom doors.

District architects have been instructed to place inside doorlocks on all doors at the new Nipomo High School scheduled for opening in Fall 2002.

- Finding 4a: Communication from staff on all campuses indicates that awareness of individual student behavior is essential to school safety.

The District agrees with the finding and includes additional comments below.

- Finding 4b: Each of the four sampled campuses utilizes counselors to intervene with students whose behavior on a particular day has been identified as unusual.

The District agrees with the finding and includes additional comments below.

- Finding 4c: Preventive and interventive counseling services are an effective and integral part of school safety.

The District agrees with the finding and includes additional comments below.

Recommendation 4: Each school district should consider whether additional counselors should be hired.

The District hired two additional counselors at Arroyo Grande High School since Fall 1999. The Board of Education and District staff are committed to ensuring student safety and recognize that preventive and interventive counseling services are key to this effort.

Arroyo Grande High School received a Healthy Start grant in the amount of \$400,000 over a four-year period. The 2000-01 school year is the first year of the grant which has increased all areas of student support for at-risk students.

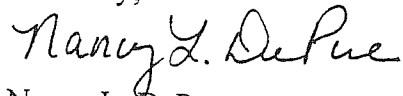
Summary Comments:

The District appreciates the Grand Jury's review of safety of our schools and suggestions for improved student and staff safety. As noted in the report's *Conclusions*, "At the four high schools visited, administrators, teachers, and students uniformly reported feeling safe on campus. The school districts are commended for providing high school students, teachers and staff a safe environment for learning." The District feels that providing a safe environment for learning is paramount.

The Board of Education adopted its Goals for the 2000-2001 school year at its meeting held on September 5, 2000. Three of the four recommendations contained in the Grand Jury report were incorporated in the goals. A copy is included.

Thank you again for your time and recommendations on behalf of our students and our staff.

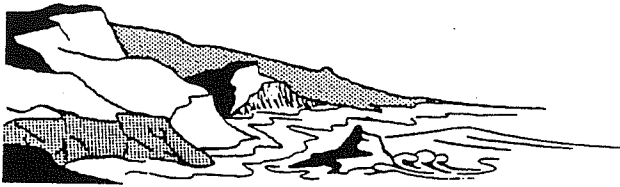
Sincerely,



Nancy L. DePue
Superintendent
Secretary to the Board

ND:jw

enclosure



Lucia Mar Unified School District Board of Education Goals 2000-2001

Goal 1:

Provide for Maximum Student Achievement

Maximize the impact of the instructional program by promoting educational excellence for all students.

- Meet or exceed Academic Performance Index at all schools
- Begin implementing computer managed record keeping of student progress
- Continue literacy programs
- Assess students through multiple measures

Goal 2:

Safe Schools

Provide a safe and orderly school environment for all students and staff.

- Provide an effective two-way communication system in every classroom
- Install door locks at Arroyo Grande High School that can be locked from the inside
- Hold lockdown drills at all schools in the fall and in the spring
- Inservice staff at each school on their SEMS Compliant Emergency Response Plan

Goal 3:

Fine Arts

Continue to support avenues that advance fine arts opportunities for students.

- Implement a performing arts program for elementary and middle schools
- Increase staff for elementary band program
- Increase funding for secondary band programs
\$30,000 AGHS (one-time)
\$ 7,500 per middle school
- Implement a visual arts program at the elementary schools (\$30,000)

Goal 4:

Technology

Foster the improvement and advancement of technology on an ongoing basis at all schools.

- Create a district technology committee consisting of administrators, teachers, and technical services staff
- Ensure that all high school teachers become computer literate to at least level one by June 2001 under Digital High School grant
- Ensure that elementary teachers receive the necessary training to teach district technology outcomes, as they are responsible for teaching all district outcomes
- Design ROP program in line with district technology targets

Goal 5:

Parents and Community

Encourage parent and community involvement into all phases of the district.

- Involve community members in substantive projects
- Continue to support the outstanding contributions of the Facility Advisory Committee
- Hold regular district and site parent meetings
- Continue community outreach through civic and service organizations

Goal 6:

Facilities

Fund, construct, and modernize needed school facilities as well as obtain land for future building needs.

- Develop and implement a timeline to facilitate the opening of three new schools
- Seek and acquire property for future school sites
- Complete modernization projects on time
- Continue to pursue state funding for Paulding modernization

Goal 7:

Budget

Develop a budget that provides for the instructional needs of children within the fiscal capabilities of the district.

- Ensure that funds are committed only by the Board
- Carefully monitor various funding sources for new schools and regularly report to Board
- Maintain and update a five-year expenditure projection
- Encourage and support alternative revenue sources



PASO ROBLES PUBLIC SCHOOLS

800 Niblick Road, P.O. Box 7010 • Paso Robles, CA 93447
Tel (805) 238-2222 • Fax (805) 237-3339

Patrick J. Savne, Ed. D., Superintendent

September 22, 2000

Hon. E. Jeffery Burke
Judge of the Superior Court
c/o Mary O'Donnell-Room 236
County Government Center
San Luis Obispo, CA 93408

TRUSTEES

Jeanne Dugger
Pat Johnson
Bob Machado
Joe E. Quiroz
Pat Swindell
Diane Ward
Dawn Zmugg

Re: Grand Jury Report on County High School Safety

Sir:

Pursuant to Penal Code Section 933 in answer to the June 26, 2000, report of the San Luis Obispo County Grand Jury, the Paso Robles Joint Unified School District respectfully submits the following response:

Findings:

#1 Finding: *Lockdown drills are not performed regularly at some of the reviewed high schools.*

#1 Response: **The respondent disagrees partially with the finding.**

The respondent is somewhat unclear on what constitutes "regularly." Paso Robles High School conducts periodic lockdown drills in addition to or in conjunction with its statutorily required once a semester fire drills and its once a semester earthquake drop drills. Respondent agrees that a lockdown drill should be performed as a stand alone drill.

#2 Finding: *Two-way electronic communication is not available in every classroom and campus area. The equipment available is, for the most part, inadequate and outdated.*

#2 Response: **The respondent agrees with the finding.**

Paso Robles High School does contain some portable classrooms that do not have access to either telephone or intercom communications. Some buildings share a common office space accessible from most classrooms in groups of four that contain an outside line telephone. Buildings 800 and 900 contain intercom/telephone systems that possess the ability to obtain an outside line by dialing one additional digit. All other classrooms with the exception of a few portables contain intercoms connecting them with the administrative offices. However, these intercoms only allow two way communication when initiated by the administrative office. There are four campus safety personnel who

constantly patrol the campus and are all equipped with state-of-the-art repeater connected portable radios.

#3 Finding: *Most classrooms can only be locked from the outside. This situation presents potential problems in an emergency situation.*

Response #3: The respondent agrees with the finding.

#4a Finding: *Communications from staff on all campuses indicate that awareness of individual student behavior is essential to school safety.*

#4b Finding: *Each of the four sampled campuses utilizes counselors to intervene with students whose behavior on a particular day has been identified as unusual.*

#4c Finding: *Preventive and interventive counseling services are an effective and integral part of school safety.*

Response #4: The respondent only represents Paso Robles High School. Paso Robles Joint Unified School District agrees with the finding.

Recommendations:

#1 Recommendation: *Each high school should schedule and implement lockdown drills in the Fall and Spring semesters.*

#1 Action: The high school will conduct one stand alone lockdown drill per year.

#2 Recommendation: *Each school district should provide an effective two-way communications system for utilization in every classroom.*

#2 Action: The district has placed a high priority on accomplishing this and is currently seeking estimates as to cost. Depending on the cost of the project we would expect full implementation no later than the Spring of 2002.

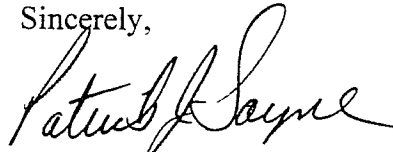
#3 Recommendation: *Every school district should establish a means of locking classroom doors from the inside.*

#3 Action: Work is proceeding on new locks and all doors should be completed over the course of the next several months.

#4 Recommendation: *Each school district should consider whether additional counselors should be hired.*

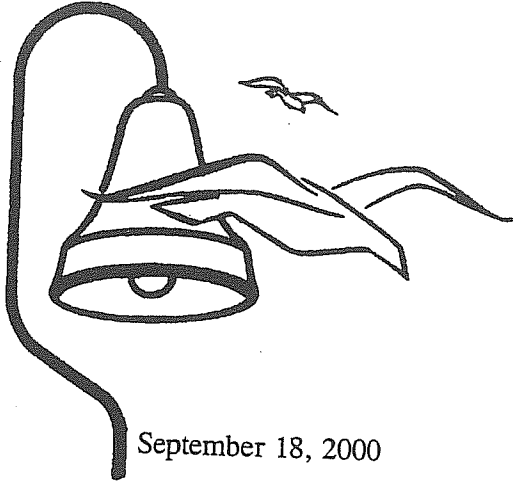
#4 Action: The district has hired for the 2000-01 school year an additional counselor for the elementary schools, an additional .5 counselor at Flamson Middle School and an additional district counselor whose specific assignment is to work on district wide conflict resolution strategies and to assist in intervention with potentially hostile or violent students.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Sayne". The signature is fluid and cursive, with the first name "Patrick" and last name "Sayne" clearly distinguishable.

Patrick J. Sayne
Superintendent

c: Members, Board of Trustees



received
9-27-00

San Luis Coastal Unified School District

1499 San Luis Drive
San Luis Obispo, CA 93401-3099
(805) 543-2010, Ext. 1202

STEVEN M. LADD, Ed.D., District Superintendent

September 18, 2000

Honorable E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, CA 93408

Dear Judge Burke:

In the spirit of cooperation, San Luis Coastal Unified School District is pleased to respond to the report of the Grand Jury dated June 26, 2000, regarding Safety in County High Schools. District Administration would like to express appreciation to the Grand Jury for its time to review the safety of students at district high schools.

FINDINGS

1. *Lockdown drills are not being performed regularly at some of the reviewed high schools.*

The respondent agrees with the finding.

2. *Two-way electronic communication is not available in every classroom and campus area. The equipment available is, for the most part, inadequate and outdated.*

The respondent disagrees wholly with the finding. San Luis Coastal Unified School District has telephones in all K-12 classrooms. This equipment is functional and is included in the school district's capital plans. New switches and phones have been added as part of the District's ongoing efforts.

3. *Most classroom doors can be locked only from the outside. This situation presents potential problems in an emergency.*

The respondent agrees with the finding.

4.
 - a. *Communication from staff on all campuses indicates that awareness of individual student behavior is essential to school safety.*
 - b. *Each of the four sampled campuses utilizes counselors to intervene with students whose behavior on a particular day has been identified as unusual.*
 - c. *Preventive and interventive counseling services are an effective and integral part of school safety.*

The respondent agrees with the findings.

RECOMMENDATIONS

1. *Each high school should schedule and implement lockdown drills in the fall and spring semesters.*

The recommendation has not yet been implemented but will be implemented in the future. The District will schedule and implement semiannual lockdown/lockout practice drills at all K-12 schools beginning in the 2000-2001 school year.

2. *Each school district should provide an effective two-way communication system for utilization in every classroom.*

The recommendation has been implemented. Currently each K-12 classroom has been provided a telephone. Additionally, most district classrooms have at least one computer connected to, or is in the process of being connected to, the local area network and the district metropolitan area network for e-mail purposes. In the event of an emergency, computer access could serve as another communication vehicle.

3. *Each school district should establish a means of locking classroom doors from the inside, consistent with existing fire regulations.*

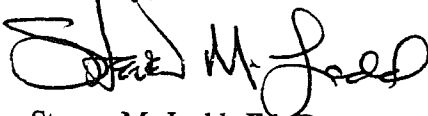
This recommendation has not been implemented but will be implemented in the future. The District will survey all classrooms, identify number and type of locking hardware required, and develop a phase-in implementation plan over time.

4. *Each school district should consider whether additional counselors should be hired.*

The recommendation will not be implemented because it is not warranted. An additional counselor was added to each high school in the 1998-1999 school year. Any additional high school counselors must be considered in context with available financial resources and other competing staffing needs and requirements.

Again, San Luis Coastal Unified School District greatly appreciates the review conducted by the San Luis Obispo County Grand Jury regarding high school safety.

Sincerely,



Steven M. Ladd, Ed. D.
Superintendent
San Luis Coastal Unified School District

SL:mkh

Enclosure: Grand Jury Report and Response Procedures

cc: Dr. Glenn Oelker, Board President, SLCUSD Board of Education
Dr. Katherine Thomas-Anderson, Director, Student Services, SLCUSD
Dr. Edward T. Valentine, Assistant Superintendent, Educational Services, SLCUSD
Members, SLCUSD Board of Education



SHANDON

UNIFIED SCHOOL DISTRICT

101 SOUTH FIRST STREET, P.O. Box 79, SHANDON, CA 93461

received
9-27-00

Board of Trustees: Ester Garcia, Jay Palmer, Teresa Scribner, Marlene Thomason, Eva Tingley

TERRY BRACE, ED. D., SUPERINTENDENT

TELEPHONE (805) 238-0286
FAX (805) 238-0777

The following is Shandon High School's required responses, under Penal Code 933.05, to the Grand Jury's Report on Safety in County Schools.

FINDINGS

Lockdown drills are not being performed regularly at some of the reviewed high schools.

1. *The respondent agrees with the finding.*

Two-way electronic communication is not available in every classroom and campus area. The equipment available is, for the most part, inadequate and outdated.

2. *The respondent disagrees with the finding.* Shandon High School has in place, as of September, 2000, two-way communication in all classroom areas, library, office and locker rooms. The phone system includes an intercom which gives each teacher a method of communication with every other classroom, the library and office and a speaker that allows announcements to be made over the phone speaker without the receiver being lifted.

Most classroom doors can be locked only from the outside. This situation presents potential problems in an emergency.

3. *The respondent agrees with the finding.*

Communication from staff on all campuses indicates that awareness of individual student behavior is essential to school safety.

4a. *The respondent agrees with the finding.*

Each of the four sampled campuses utilizes counselors to intervene with students whose behavior on a particular day has been identified as unusual.

4b. *The respondent agrees with the finding*

Preventive and interventive counseling services are an effective and integral part of school safety.

4c. *The respondent agrees with the finding*

RECOMMENDATIONS

Each high school should schedule and implement lockdown drills in the Fall and Spring semesters.

1. *The recommendation has not yet been implemented but will be implemented in the future.* Lockdown drills have not previously been practiced at Shandon High School. Lockdown drills will be scheduled for November and February at Shandon High School. The staff will decide on the key phrase which will initiate the Lockdown drill. Staff will be informed of the procedures to be followed during a Lockdown drill at a staff meeting.

Each school district should provide an effective two-way communication system for utilization in every classroom.

2. *The recommendation has been implemented.*

Each school district should establish a means of locking classroom doors from the inside, consistent with fire regulations.

3. *The recommendation has not yet been implemented but will be implemented in the future.* Shandon High School does not presently have door locks that can be locked from the inside. The administration will investigate the possibility of installing new locks on classroom doors.

Each school district should consider whether additional counselors should be hired.

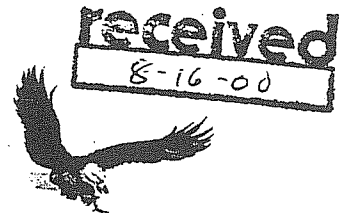
4. *The recommendation will not be implemented because it is not warranted or reasonable at the time.* Because of the small size of Shandon High School (101 students and 11 staff) communication exists daily with students, teachers and administration. Student behavior is handled at the classroom level with parent notification and then through a referral system that includes detention, Saturday School, administrative hearings and contracts in an attempt to modify student behavior. A new community day school is in place to help isolate any students whose behavior is not conducive to other students being able to learn. Students who are expelled from Shandon attend county community schools.

Shandon High School has one counselor available four days a week. If he is not available then administration and selected teachers are called on to handle unusual student behavior.

The school counselor has weekly counseling groups available for student participation.

TEMPLETON UNIFIED SCHOOL DISTRICT
"Home of Tomorrow's Leaders"

960 Old County Road • Templeton, CA • 93465 • (805) 434-5800 • FAX (805) 434-5879



August 4, 2000

Hon. E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell – Room 236
County Government Center
San Luis Obispo, CA 93408

Dear Judge Burke:

Thank you for providing the district with a copy of the Grand Jury's recent findings and recommendations relative to high school safety in San Luis Obispo County. As the Jury will recall, we were pleased to cooperate with the study, including the preparatory visitation. Although we have elected voluntarily to respond to the recommendations, the Templeton Unified School District Board of Trustees wishes to memorialize two concerns as a preface to our response.

First, members of the Board feel that the Grand Jury would be wise, absent specific concerns unique to a particular district, to narrow its purview to exclude local school districts which have ample oversight from their own locally elected trustees with existing systems of accountability beyond that with oversight from the County and State Offices of Education.

Relatedly, members of the Board are concerned that implicit in the Jury recommendations are two assumptions which our Board disputes: 1) that we aren't already doing what is suggested and/or 2) that the Jury has the authority to order us to implement its recommendations.

With those concerns in mind, the T.U.S.D. respectfully responds to the recommendations as follows:

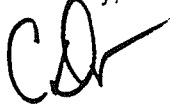
1. The T.U.S.D. will continue its existing practice of scheduling periodic emergency drills including lockdowns. One drill will likely continue to be planned in advance while a second will likely be randomly held unless an actual incident has resulted in an unplanned lockdown, eventualities which have occurred before, once when there was a police action near a campus and once as part of the Grand Jury visitation.
2. The district had scheduled installation of two-way communication capability in any classrooms not previously connected prior to the Grand Jury report. This work was completed this summer.

Hon. E. Jeffrey Burke
Judge of the Superior Court
August 4, 2000
Page Two

3. We investigated the advisability of altering classroom door locks with the local fire chief and with our district Safety Committee. Fire Chief Greg O'Sullivan checked with the state fire marshal who indicated that a lock which may be opened from the inside without a key or special knowledge is acceptable. The District Safety Committee will discuss the Jury's recommendation and the Fire Chief's response when the new school year begins.
4. The number of counselors our Board assigns to each site is debated annually as part of the budget process and throughout the year as concerns arise at a particular site. We currently have two full-time high school counselors as well as an intervention counselor, Brian Jalbert, provided by Family Services Network, who operates part-time out of an office at our continuation high school. Should the Board decide to add more counseling services, the community has identified elementary school counseling as a priority.

We thank the Grand Jury for its suggestions and we trust our responses have addressed their concerns.

Sincerely,



Dr. Curt Dubost, Superintendent
TEMPLETON UNIFIED SCHOOL DISTRICT

CD:cp

cc: Board of Trustees

SPECIAL EDUCATION SERVICES SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT

FINDINGS

1. San Luis Coastal Unified School District complied with the state-monitored law (I.D.E.A.) in determining the eligibility of this student for special education services and in developing, executing, reviewing, and modifying accommodation plans for the student in compliance with federally-monitored law (Section 504).

2. The District assessment team did not adequately document whether it had considered and utilized reports from outside agencies when planning and interpreting its own evaluation of the student. In addition, the District did not use the most effective test instruments for identifying the suspected disability.

3. The actions of the District in attempting to improve the student's school attendance record, culminating in referral to the Student Attendance Review Board (SARB), were neither discriminatory nor punitive. The referral resulted from the student's truancy rather than from retribution against the parent for making any complaint. Further, the SARB's decision to place the student in the Community School was followed by significantly improved school attendance and performance by this student. Therefore, it appears to have been an action that was helpful and positive for the student.

4. While the Grand Jury is impressed with the District's diligent efforts to improve the student's academic experience, it finds the District placed insufficient emphasis on counseling and supporting the student at the time of his father's death, on re-checking his emotional status periodically, and on referring him for medical treatment of his apparent depression.

5. The District made insufficient efforts to aid the parent in understanding the differences between definitions of student disability and eligibility under I.D.E.A and under Section 504 and her rights regarding dissension/appeal. Despite the District's provision of the parent's rights in writing, as well as an oral explanation to the parent at the November 1996 IEP meeting, the parent was still confused about these laws and rights at the October 1999 meeting, and much of her frustration seemed to stem from this lack of understanding. She made her 1999 request only after getting information from a special education advocate and support from outside testers.

RECOMMENDATIONS

1. None.

2. District assessment teams should use the most appropriate testing tools for the suspected disability (here, attention deficit disorder). They should consider and utilize reports and findings from outside agencies and document their use when planning and interpreting assessment and re-assessment of a student. The District should issue a directive to this effect to all school sites.

3. None.

4. San Luis Coastal Unified School District should make every reasonable effort – following a traumatic event in a child’s life, a subsequent change in that child’s behavior, and the parent’s request for help – to give early and aggressive counseling to support and guide a child through a traumatic time, to re-check the student’s emotional status from time to time, and to refer the student for medical treatment if it suspects emotional reaction to the trauma is not resolved. The District should issue a directive to all school sites to this effect.

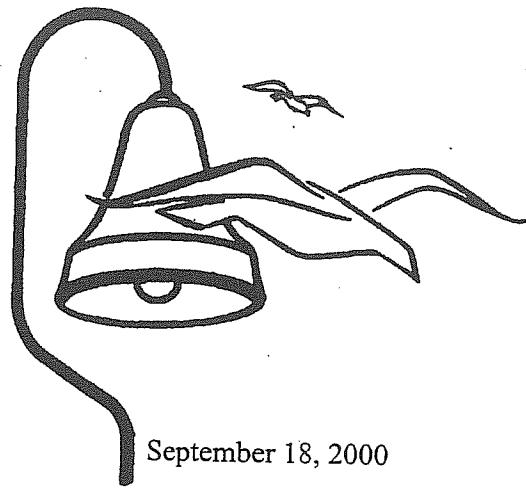
5. Following the determination of a student’s eligibility for services, the team should make thorough efforts to inform the parents of:

- a. The implications of this determination regarding services and accommodations.
- b. The differences between the state-monitored law (I.D.E.A) and the federally monitored law (Section 504).
- c. The parents’ right to contest the decision under each of these laws.
- d. The procedures to be followed in making such appeals.

The desired outcome of these efforts is the parent’s understanding of his or her rights *prior to* placement and eligibility decisions and actions. Provision of these rights in writing is not sufficient guidance for many parents. The District should issue a directive to this effect to all school sites.

REQUIRED RESPONSE

Under Penal Code Section 933.05, the *San Luis Coastal Unified School District* is required to respond to the above Findings and to Recommendations 2, 4, and 5.



San Luis Coastal Unified School District

1499 San Luis Drive
San Luis Obispo, CA 93401-3099
(805) 543-2010, Ext. 1202

STEVEN M. LADD, Ed.D., District Superintendent

September 18, 2000

Honorable E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, CA 93408

Dear Judge Burke:

On behalf of the San Luis Coastal Unified School District, please accept this formal response to the Grand Jury's Findings and Recommendations regarding Special Education Services.

FINDINGS

- 1. The respondent agrees with the finding...that San Luis Coastal Unified School District complied with IDEA in determining the eligibility of a student for special education services in developing, executing, reviewing, and modifying accommodation plans for the student in compliance with... Section 504.*
- 2. The respondent disagrees partially with the findings... that the District did not adequately document and utilize reports from outside agencies ...and did not use the most effective test instruments... In conducting its assessment during October 1996, the District used the most effective test instruments that were available consistent with its practice stated in Recommendation #2 of this document. The interpretation and the narrative of the assessments by several district professionals were integrated in a comprehensive written report that was given to the Individualized Education Program (IEP) Team members, including the parent. According to the Grand Jury's summary, the IEP Team on November 14, 1996, found the student was not eligible under guidelines established by the Individuals with Disabilities Education Act (IDEA). The student's eligibility was not contested. Five days later, a Student Study Team (SST) meeting was convened on November 19, 1996. At this meeting a letter written by two members of County Mental Health was considered. The letter stated the student met criteria for a diagnosis of Attention Deficit Disorder. The SST used the letter from Mental Health in developing an accommodation plan under Section 504 of the Rehabilitation Act. The District agrees with the Grand Jury findings that there is no written documentation of the IEP Team's consideration and utilization of outside agency reports. Although it is District practice to discuss the independent assessment at the time of the IEP Team meeting, in this specific incident there was nothing in the written record to confirm this practice. However, there is documentation that an SST meeting was held within five days of the IEP Team meeting. The SST would not have occurred without some discussion and referral by the IEP Team.*

3. *The respondent agrees with the finding...that the referral of the student to the Student Attendance Review Board was neither discriminatory nor punitive.*
4. *The respondent disagrees partially with the finding that the District placed insufficient emphasis on counseling and supporting the student at the time of his father's death.* According to the Grand Jury's summary "a counselor met with the student for a number of sessions and determined the student was coping adequately." Although there could never be counseling emphasis sufficient enough to erase the trauma of a child losing a parent, the District was aware of the event and took appropriate actions to provide support to the student.
5. *The respondent disagrees with the finding that the District made insufficient efforts to aid the parent in understanding... eligibility under IDEA... and Section 504.* Parental rights and procedural safeguards, including dissension and appeal, under IDEA were explained to the parent and her advocate on at least three documented occasions. She initialed the receipt and understanding of her rights under IDEA when she signed the assessment plan, again when she was notified of the IEP Team meeting, and a third time during the IEP meeting. The parent's rights under Section 504 were reviewed during the SST meeting where the Accommodation Plan was developed. She received a copy of those rights on the reverse side of the Plan. An advocate accompanied the parent at the IEP Team meeting and the subsequent SST meetings. Although we can never guarantee whether parents *understand* their rights, the District takes every opportunity to provide written and oral explanations of parental rights and to document the effort.

RECOMMENDATIONS

1. None.
2. *The recommendation that the District use the most appropriate testing tools...consider and utilize reports and findings from outside agencies and document their use... has been implemented for several years.* Annually, school psychologists, speech pathologists and resource specialists review and evaluate new assessment tools. They select, purchase and use the most appropriate instruments to update their assessment battery and maintain the standards of their professions. The special education staff and school administrators are aware of the requirement to review and consider independent assessments at the IEP Team meeting. Independent assessment is a topic each August during the annual back-to-school special education workshop.
3. None
4. *The recommendation... to make every reasonable effort to give counseling support to students who have had a traumatic event... has been implemented for several years.* Each school within the District has at least one counselor. In addition to the training received while completing their university requirements, each school counselor has also received a minimum of four days of training in grief counseling as a member of the District's Critical Response Intervention Team. Further, each secondary school works collaboratively with the Bureau of Alcohol and Drug Services which provides trained counselors to work with small groups of students identified by school counselors. The groups are organized according to specific need; e.g., grief, eating disorders, alcohol, or smoking. One of the responsibilities of the school counselor is to make referrals to private therapists or agencies when there is a demonstrated need for intensive intervention. Also, each school has a Student Study Team (SST) that periodically reviews students who are having difficulties academically and *emotionally*. During their September staff meeting, elementary school counselors were reminded to document referrals for counseling services and to re-check on a student's emotional status periodically. Secondary school counselors will receive the same reminder in October.

5. *The recommendation that following the determination of a student's eligibility for services, the team shall make every effort to inform the parent of... procedural safeguards... has been implemented for several years.* Our desired outcome is consistent with the Grand Jury's recommendation. We, too, wish parents to understand their rights. We have summarized below our attempts to assist parents in understanding the Individuals with Disabilities Education Act (IDEA) and Section 504 of the 1973 Rehabilitation Act. These federal laws have separate purposes, requirements, and procedures for appeal.

The purpose of IDEA is to provide *specially designed education and services* for disabled students in order for them to receive benefit from their K-12 educational program. Therefore, IDEA is commonly referred to as "special education." IDEA specifies that in order to receive special education and services: 1) the student shall be determined to be disabled in one of thirteen categories; 2) there shall be evidence that the disability has a significant impact on the student's academic achievement; and 3) there shall be documentation that modifications in the general education environment could not address the student's needs. In order to document these criteria, IDEA requires an assessment by a multidisciplinary team of school personnel who have been trained and certified to provide assessment to determine eligibility for these services.

The procedures for making appeals under IDEA are explained in a written document entitled *Parental Rights & Procedural Safeguards in Special Education*. It was developed with legal counsel and State Department of Education input. This document is provided to parents at several times during the assessment and eligibility process. This document requires the parents' signature: 1) when the referral for assessment is made; 2) with the notification of the IEP Team meeting; and 3) prior to conducting the IEP Team meeting. Further, the rights are explained orally at the time of reviewing the assessment plan and again at the IEP Team meeting. The *Parental Rights* document is also given to the parents 10 days prior to the annual review of the IEP and explained during the annual IEP Team meeting.

The purpose of Section 504 is to prohibit discrimination against disabled persons by providing them with equal access. Section 504 was reauthorized through the American Disabilities Act of 1990 and is monitored federally in all areas where disabled persons are provided access, including schools. Section 504 requires *accommodations* to provide access to disabled persons; e.g., Braille for the blind, tape-recorded books for the dyslexic, ramps for the orthopedically impaired. Section 504 requires an evaluation of the student through a review of student records and other documentation, including medical. The evaluation does not require the administration of standardized norm-referenced tests or other formal assessments. Our board policy places the authority for this evaluation with each school's Student Study Team. A recent Office for Civil Rights investigation and the District's Self-Study for the Coordinated Compliance Review (CCR) upheld this policy with clarifications to the administrative regulations. These clarifications require a Student Study Team to conduct a pre-expulsion assessment prior to recommending expulsion for all students who have an accommodation plan under Section 504. These clarifications were integrated into the District's Administrative Regulations 6164.7 and presented to the San Luis Coastal Board of Education in May 2000. Revised copies were provided to all administrative staff. This topic was also discussed during the August 2000 *Special Education Updates* workshop.

The procedures for appeal under Section 504 of the Rehabilitation Act are stated in the District's *Notification of Official Information* Booklet. This booklet is given to *each* family in the school district *annually*. When a student is deemed eligible under Section 504, the parents receive a written copy of specific procedural safeguards, including appeals, printed on the reverse side of the student's Accommodation Plan. The parent receives an additional copy of the

Honorable E. Jeffrey Burke

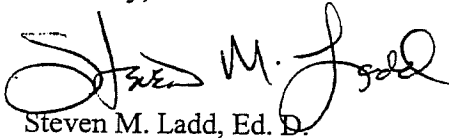
September 18, 2000

Page 4

Accommodation Plan and their Rights at each meeting where revisions are made. The District recently updated its board policy and administrative regulations regarding *Uniform Complaint Procedures*. This policy provides a local process for the investigation and resolution of complaints with any state and federal law governing educational programs, including Section 504 of the Rehabilitation Act. The Uniform Complaint Procedures are posted at all school and department offices.

In closing, the District hopes our response has been helpful to the Grand Jury and to our community. We continually strive to make all our services to all our students the best that we can provide.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven M. Ladd". The signature is fluid and cursive, with the first name "Steven" being more prominent than the last name "Ladd".

Steven M. Ladd, Ed. D.
Superintendent

Enclosure: Grand Jury Report and Response Procedures

cc: Dr. Glenn Oelker, Board President, SLCUSD Board of Education
Dr. Katherine Thomas-Anderson, Director, Student Services, SLCUSD
Dr. Edward T. Valentine, Assistant Superintendent, Educational Services, SLCUSD
Mr. Thomas Duggan, Attorney, Duggan Smith & Hutkin, LLP
Members, SLCUSD Board of Education

CALIFORNIA MEN'S COLONY

EDUCATIONAL, VOCATIONAL, AND PRE-RELEASE PROGRAMS

FINDINGS

1. More CMC inmates are willing and eligible to participate in educational and work programs than there are available classes or work assignments.

2. The pre-release class is not serving the Spanish-speaking inmate population adequately. The pre-release instructor is not bilingual, and the educational and pre-release class materials and instructions are not available in Spanish. Although Spanish-speaking inmates are used as translators, this is a time-consuming process and does not ensure that all students receive the same instruction.

3. The information provided in the current three-week pre-release class is overwhelming for many participants. Some inmates are unable to receive maximum benefits from the pre-release classes because they cannot retain the information provided within such a brief period.

4. There is minimal statistical evidence available regarding the effectiveness of the pre-release program at CMC.

5. CMC teachers and counselors do not adequately communicate with parole agents regarding the particular obstacles to a successful reentry into the community by a particular parolee, and the steps that can be taken to improve that parolee's chances for success. Merely providing a copy of the parolee's file is not adequate.

6. The perception of the inmates interviewed was that CMC does not emphasize the value of inmate participation in educational programs, as contrasted to work programs. Inmates do not believe they are rewarded for studying rather than working.

7. Some inmates are released on parole with active arrest warrants for alleged crimes or probation violations committed before their commitment to CMC. Facing such charges upon release from prison (rather than clearing them up before release) decreases the likelihood of a successful parole adjustment, even if the charges are ultimately dismissed.

RECOMMENDATIONS

1. CMC should prepare a five-year plan including budget change proposals to increase the number of classrooms, shops, and instructors to accommodate all qualified inmate requests for educational, vocational, and work assignments, including the pre-release program. As an interim solution, CMC should add a second shift of educational, vocational and work assignments, utilizing current facilities and security personnel. This would require additional qualified instructors.

2. CMC should provide printed materials in Spanish for the pre-release class for those inmates who cannot read English.

3. CMC should extend the pre-release program to six weeks. The first two weeks, given shortly after the inmate arrives, should include an incarceration plan for optimal use of the inmate's time while in prison and an orientation concerning available programs. The final four weeks of the program should consist of the current pre-release curriculum and individual case conferences and should take place during the last few months before the inmate's release. Additionally, CMC should train qualified inmates as facilitators to help instructors with the program.

4a. CMC should design and carry out a study to evaluate the effectiveness of the pre-release classes in preparing inmates to return to productive roles in society.

4b. CMC should incorporate into its official protocol a program of surveying parolees approximately two months following their release regarding the usefulness of various components of the pre-release class.

5. CMC should hold individual case conferences among the pre-release instructor, the inmate's counselor, and the parole agent during the last four weeks of the extended pre-release program to enhance the likelihood of making the inmate's reentry successful. When an inmate is to be released to another county, the out-of-county parole agent should participate by conference telephone call.

6a. CMC should give inmates additional incentives for meaningful participation in the educational and pre-release programs.

6b. CMC should phase in a program for illiterate inmates. Those who, through testing, prove capable of learning to read English should be required to attain a fourth grade or higher reading level before they are permitted to take paid jobs in prison. This requirement should be waived for those who are incapable of acquiring literacy.

7. CMC should request a California Law Enforcement Teletype System (CLETS) records search for outstanding warrants for each inmate. Where indicated, CMC should advise each inmate of his right to submit a Demand for Trial, under Section 1381 of the Penal Code, for all charges pending in California, and should provide appropriate instructions and form letters to help inmates exercise these rights. This process should occur early in an inmate's sentence.

REQUIRED RESPONSES

Under Penal Code Section 933.05, the *California Men's Colony* is required to respond to all of the above Findings and Recommendations.

CALIFORNIA MEN'S COLONY
SAN LUIS OBISPO, CA 93409



received
18-4-00

September 25, 2000

The Honorable E. Jeffrey Burke
Presiding Judge of the Superior Court
County Government Center
San Luis Obispo, CA, 93408

Dear Sir:

As mandated by California Penal Code Section 933, I am submitting a response to the 99/00 San Luis Obispo County Grand Jury's recommendation for the California Men's Colony (CMC). We appreciate the thoroughness and thought with which the Grand Jury reviewed our facility. Although the issues introduced can only be remedied at a departmental level within the entire California Department of Corrections (CDC), we will address their suggestions locally to the best of our ability. The issues will be forwarded to the Department of Corrections for their information.

1. **CMC should prepare a five-year plan including budget change proposals to increase the number of classrooms, shops, and instructors to accommodate all qualified inmate requests for educational, vocational, and work assignments, including the pre-release program. As an interim solution, CMC should add a second shift of educational, vocational and work assignments, utilizing current facilities and security personnel. This would require additional qualified instructors.**

CMC recently hired two academic instructors, two special education teaching assistants, and a library technician to assist developmentally disabled inmates. We are currently in the process of hiring two additional academic positions and one special education position. These additional teaching positions will help to provide more access to education programs for CMC inmates. Additionally, CMC's administration is committed to filling all the current available classroom space with education programs in order to better meet the needs of the inmate population.

We currently provide three pre-release programs, two at the East Facility and one at the West Facility. Currently, the waiting lists for the pre-release programs are quite short and, at this time, do not warrant opening another class. These programs serve almost all of the needs for entry to the programs. Opening additional classes would not be feasible due to limited classroom space. Increasing the number of pre-release programs would mean the closing of much needed Adult Basic Education (ABE) literacy programs. The waiting lists for ABE literacy programs far outweigh the very limited waiting lists, if any, for pre-release.

GRAND JURY RESPONSE
Page Two

Currently, we are unable to provide a second shift of educational programs due to budget restraints. CMC is a designated mental health facility as well as a medical hospital. These court-mandated programs are quite costly and therefore, we are unable at this time to provide the additional security coverage necessary to manage these third watch programs.

2. **CMC should provide printed materials in Spanish for the pre-release class for those inmates who cannot read English.**

CMC will investigate the possibility of obtaining materials printed in Spanish to accommodate those students who are not literate in English. The materials currently in use in the pre-release programs are published in English only, and copyrighted. As such, we are unable to translate them without breaking the copyright laws. The program materials were developed specifically to meet the needs of the CDC mandated curriculum.

Many of the inmates at CMC who do not have basic English language skills may not be legal residents of the United States. As such, upon release, they will be held by the Department of Immigration for deportation. These inmates are not eligible for pre-release services.

3. **CMC should extend the pre-release program to six weeks. The first two weeks, given shortly after the inmate arrives, should include an incarceration plan for optimal use of the inmate's time while in prison and an orientation concerning available programs. The final four weeks of the program would consist of the current pre-release curriculum and individual case conferences and should take place during the last few months before the inmate's release. Additionally, CMC should train qualified inmates as facilitators to help instructors with the program.**

The Department of Correction's Education and Inmate Programs Unit (EIPU) is currently running a pilot program at Avenal State Prison. The program follows the model that you present. We await the results of the pilot program, and at that time, we will evaluate its feasibility for CMC. Unlike Avenal, CMC does not have additional classroom space to hold the orientation module, nor do we have any staff members who are not in critical teaching positions at this time.

Regarding your recommendation that we train inmate-facilitators to help instructors, each classroom has a room capacity set by the fire marshal in accordance with the fire code. Every inmate-facilitator placed in a class would be taking the place of a potential student. While in theory this would be helpful; the implementation would not be practical.

GRAND JURY RESPONSE

Page Three

Your recommendation to place inmates into a two-week pre-release program shortly after they arrive would violate the Department's Operations Manual (DOM), Inmate Work/Training Incentive Program (IWTIP), Section 53130. New arrivals are placed on academic and other job assignment waiting lists. These lists are delineated based on work group/privilege group status, and classification effective date. After inmates participate in Initial Classification they are placed at the end of the waiting lists respective of their work group. When they near the top of the waiting list(s) they are placed into either academics or a job assignment. Once placed into a job, most inmates begin to earn half good time credits. In other words, for every day they participate in their assignment, they earn a day off their sentence. Therefore, placing inmates into pre-release shortly after their arrival would circumvent the foregoing process.

4. **CMC should design and carry out a study to evaluate the effectiveness of the pre-release classes in preparing inmates to return to productive roles in society.**

EIPU is currently carrying out just such a study for the CDC. Data previously collected and printed in May of 1999 pertaining to CDC pre-release curriculum states that 71% of all inmates released from prisons in California re-offend, while only 36% of inmates who have attended pre-release programs re-offend. Each month the pre-release instructors send pertinent data to EIPU. Currently, follow up data is being collected and evaluated. CMC does not have staff nor resources to carry out an independent study, nor do we see a need to duplicate the research already in progress.

5. **CMC should incorporate into its official protocol a program of surveying parolees approximately two months following their release regarding the usefulness of various components of the pre-release class.**

The CMC Education Department will continue to take direction from EIPU regarding the feasibility of surveying parolees after release. The procedure you recommend, though providing useful information, cannot be implemented at the local level, it would necessitate a state-wide policy that would affect every prison and parole office throughout California. At this time, we do not have the staff or the resources necessary to support such an adjunct to an already intensive workload for the pre-release teachers.

6. **CMC should hold individual case conferences among the pre-release instructor, the inmate's counselor, and the parole agent during the last four weeks of the extended pre-release program to enhance the likelihood of making the inmate's reentry successful. When an inmate is to be released to another county the out-of-county parole agent should participate by conference telephone call.**

The CMC Education Department will continue to take direction from EIPU regarding the feasibility of surveying parolees after release. The procedure you recommend is quite time consuming and would take vital time away from the delivery of instruction. At this time, we do not have the staff, or resources, necessary to support such an adjunct to an already intensive workload for the pre-release teachers.

7. CMC should give inmates additional incentives for meaningful participation in the educational and pre-release programs.

The most meaningful incentive that most inmates receive is a reduction in the time served on their sentences when they are programming in a job or school assignment. Also, additional privileges are afforded to programming inmates. These include: phone calls, maximum dollar limit on canteen purchases, and permission to receive overnight family visits.

Additionally, CMC provides inmates with unlimited educational services from literacy training up to and including GED classes, along with a variety of vocational courses, without any cost to the inmate. While enrolled in classes, inmates receive meaningful recognition for successfully meeting required curricular competencies. Teachers issue *Certificates of Achievement* to recognize good work, and/or *Certificates of Completion* to acknowledge course completions. Some individual teachers motivate students by selecting *Outstanding Students of the Month* who then assists the teacher with classroom protocols. Others may use similar means to let students know that they are accomplishing the required classroom work. Additional incentives, in the form of monetary gain or other material gain is prohibited by the rules governing the Department of Corrections (*California Code of Regulations, Title 15. Crime Prevention and Correction, Section 3401. Employee and Inmate/Parolee Relations*).

8. CMC should phase in a program for illiterate inmates. Those who, through testing, prove capable of learning to read English should be required to attain a fourth grade or higher reading level before they are permitted to take paid jobs in prison. This requirement should be waived for those who are incapable of acquiring literacy.

The CMC Education Department currently provides many opportunities for illiterate inmates to obtain literacy skills. For non-English speakers, we have five English as a Second Language classes which provide a foundation in phonics, basic reading, mathematics, and listening and speaking language development skills. Additionally, we have three ABE I classes which serve inmates who have reading levels between basic non-reader (BNR) and 4th grade levels. One more ABE I teacher is currently in the process of being hired. Also, the CMC Literacy Councils (one on East facility and one on West facility) each operate one evening a week. Inmates choosing to improve their reading skills may enroll and receive a dedicated inmate-tutor, trained in the *Laubach Way of Teaching Reading*, a one-on-one program designed to raise literacy levels among inmates. The CMC libraries also offer literacy training/tutoring to inmates who are not enrolled in school programs.

GRAND JURY RESPONSE

Page Five

CMC has a mandatory education policy in place which, according to the *DOM*, requires that inmates with scores below 7.0 Grade Point Level (GPL) on the *Test of Adult Basic Education (TABE)*, attend school until their score reaches 7.0 GPL. Inmates are either placed directly into the appropriate academic class or job assignment depending on availability of each. If an inmate reaches the top of the academic waiting list, he is removed from job and placed into academics until he achieves a grade point level of 7.0. At this point the inmate has the option to remain in education and advance up the grade levels or enter a vocational class.

9. **CMC should request a California Law Enforcement Teletype System (CLETS) records search for outstanding warrants for each inmate. Where indicated, CMC should advise each inmate of his right to submit a Demand for Trial, under Section 1381 of the Penal Code, for all charges pending in California, and should provide appropriate instructions and form letters to help inmates exercise these rights. This process should occur early in an inmate's sentence.**

A Correctional Counselor, upon an inmate's arrival, interviews the inmate and reviews all available documents. This includes the Probation Officer's Report (POR) sentencing transcripts, abstract of judgment, parole reports and arrest history from Criminal Identification and Investigation (CII), Federal Bureau of Investigation (FBI) rap sheets, which may implicate the inmate's involvement in other crimes where a hold or warrant may exist. New inmates attend Initial Classification within ten days of their arrival. During the classification process inmates are informed of holds, detainers or outstanding warrants. They are informed that the Library has PC 1381 forms. The forms are self explanatory and easy to understand. If an inmate has a detainer from a California agency for untried charges, the inmate may request disposition of pending charges by filing a CDC Form 643, Demand for Trial in accordance with the provisions of PC 1381 per the DOM Section, 72040.6.1.

Hopefully, the above information provides a satisfactory response to the recommendations offered by the Grand Jury. If you require further clarification, please advise me at your earliest convenience.

Sincerely,

W. A. Duncan

W. A. DUNCAN
Warden

SEP 2000
Received
Superior Court
HF

EL PASO DE ROBLES YOUTH CORRECTIONAL FACILITY CALIFORNIA YOUTH AUTHORITY

RECOMMENDATIONS OF PREVIOUS COUNTY GRAND JURIES

The 1995-1996 Grand Jury made four recommendations. It recommended increasing the budget in order to alleviate overcrowding, conducting a study of the feasibility of increasing the Pre-Parole Work Program length, increasing community involvement by obtaining additional community volunteers, and exploring means of reducing the cost of Immigration and Naturalization Service (INS) screening of wards (youthful offenders committed to the Youth Authority) by doing the screening at the facility instead of transporting wards to Los Angeles for screening.

The 1996-1997 Grand Jury had three recommendations. It encouraged moving ahead on the construction of a new infirmary, implementing better employee sign-in procedures, and seeking cost reductions of INS pre-release screening of foreign-born wards.

The 1997-1998 Grand Jury said the Facility management and staff deserved high praise and State and public support. It also recommended improving security procedures for vehicles entering and leaving the grounds, and it reiterated the 1996-1997 Grand Jury recommendation regarding infirmary construction.

FACTS

The ward population has been reduced to a minor degree by shifting some adult wards to the Department of Corrections. Legislation has also resulted in some ward population reductions.

The Pre-Parole Work Program has been modified and now allows some wards to participate for up to eight months.

The community volunteer program has been increased to an average of 30 volunteers.

The INS now conducts pre-release screening of foreign-born wards on a quarterly basis at the youth facility as recommended by the 1995-1996 and 1996-1997 Grand Juries.

A new infirmary is under construction as recommended by the 1996-1997 and 1997-1998 Grand Juries. It is targeted for completion in September 2000. In preparation for the infirmary construction, a new sally port was built for vehicles entering and leaving the grounds. All vehicles are inspected and logged in and out as part of improved security procedures.

Employee sign-in procedures are handled in a more secure manner, and employees check their keys in and out in a secure area.

CONCLUSIONS

With the exception of ward overcrowding and the partial implementation of the Pre-Parole Work Program recommendation, all Grand Jury recommendations have been fully implemented.

REQUIRED RESPONSES

As this is an informational report, responses are not required from any agency or department.

DEPARTMENT OF THE YOUTH AUTHORITY

GRAY DAVIS, Governor

EL PASO DE ROBLES YOUTH CORRECTIONAL FACILITY

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Telephone: (805) 238-4040
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January 14, 2001

Honorable Jeffrey Burke
Judge of the Superior Court
C/O Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, CA 93408

Honorable Jeffrey Burke:

The following is the El Paso de Robles Youth Correctional Facility's (EPdRYCF) response to findings and recommendations of the 1999-2000 San Luis Obispo County Grand Jury report.

Findings:

1. Ward Safety - Wards feel relatively safe from assault, except for those wards currently and previously housed at Cambria Cottage (the safety issues regarding Cambria are addressed in Finding 7).
 - The treatment and training in conjunction with providing a safe and secure living environment for all wards is the responsibility of all staff members at EPdRYCF.
 - The EPdRYCF administration recommended a Departmental investigation in December 1999 of alleged unprofessional behavior on Cambria Cottage. The Departmental investigations were completed in December 2000 with appropriate action being taken.
2. Staff Safety and Working Conditions -
 - a. Staff members are generally satisfied with the working conditions, although the consensus is they could do a much better job with less paperwork and smaller caseloads.
 - Departmental security and treatment accountability in conjunction with state and federal educational and nutritional mandates have added to employee paperwork accountability. Currently Youth Correctional Counselors carry a caseload of 10-13 and Institutional Parole Agents carry 100. Staff/ward ratios are consistent with the Departmental Unit 6 Memorandum of Understanding.

- b. If there is an emergency when the security vehicle must return quickly to the central area of the facility, it cannot do so safely due to the poor conditions of interior perimeter roads.

- All interior paved roadways have been identified by the Superintendent's office and Chief of Plant as in need of repairing. For the last five years, the roadway deteriorations have been identified to the Departmental Institutions and Camps Branch. Due to an estimated cost of \$1,000,000 for replacement, patching areas is ongoing. Security's response to emergencies is currently 15-20 seconds.

3. Communicable Disease Education and Prevention -

- a. Procedures and training for handling exposure to communicable diseases appear satisfactory for staff.
- All staff receive ongoing training through the Medical/Dental Departments, Health and Safety Office and mandated 7K training for all peace officers.
- b. Wards have limited or no knowledge of procedures for handling exposure to communicable diseases and education and training for prevention is generally non-existent.
- All living units, in conjunction with the Health and Safety Officer, provide training to wards for exposure handling. Priority training also occurs in the Food Services and Maintenance Departments where wards work. Medical/Dental Departments, small group counseling sessions, health classes and an HIV answer pamphlet on parole are available for all wards.

4. Ward Suicide Prevention - Procedures and training for suicide prevention conform to regulations and appear to be satisfactory.

- All institutional staff are trained in Staff Offender Interaction (SOI) and Suicide Prevention and Response (SPAR) training. The Departmental mandate places a high priority in identifying, documenting and reporting any suicidal ideations or gestures. Institutional health care professionals coordinate with institutional staff on specific courses of action and services.

5. Tattoo Removal - There is no tattoo removal equipment at the facility. EPdRYCF has requested funding from CYA headquarters to acquire tattoo removal equipment and provide related training, but the funding has not been approved.

- *Departmental Budget Change Proposals have not been approved. Current departmental processes make it very difficult to transfer wards to other facilities for tattoo removal. Current Cayucos/Camp Roberts Pre-Parole programs provide information to wards transferring to their communities about tattoo removal programs and contacts.*

6. Ward Grievance Procedure -

a. It has been historically acceptable at this facility to limit the formal use of the grievance procedure; therefore, its effectiveness is unsatisfactory throughout the institution.

- *EPdRYCF continues to encourage the formal use of the grievance procedure. This process includes monthly meetings and training with cottage grievance clerks with the institution Wards Rights Coordinator, individual tracking by number assigned to all grievances by cottage clerks and Treatment Team Section secretary, and monitoring of informal resolutions, first, second and third level responses in the appropriate time lines. This process may also include grievance committees and/or Director or outside arbitration review. Currently the Department is reviewing the grievance process with anticipated changes by March 1, 2001.*

b. Filing of grievances has been discouraged, especially at Cambria cottage, and the grievance procedure there has been emphatically disallowed by those in charge of the system.

- *EPdRYCF continues to encourage the use of the grievance process which includes staff/ward interaction to the Director's office for response. The Cambria Cottage grievance process is closely monitored by the Superintendent's office and Ward Grievance Coordinator.*

c. Written grievances from Cambria cottage wards are almost nonexistent.

- *EPdRYCF management is aware of the minimal grievances filed on Cambria Cottage in 1998 and 1999. A Departmental and Institutional audit addressed this issue and developed changes in the living unit's grievance process. The changes included the monthly monitoring and documentation for the Wards Rights Coordinator and Superintendent's office.*

d. Ward grievance clerks do not have adequate knowledge of the grievance procedure to assure full access by the wards they are selected to serve. Their training is insufficient and unsatisfactory.

- *The Superintendent's Office and Wards Rights Coordinator meet monthly with all unit grievance clerks. A departmental audit also indicated a satisfactory review of the training made available to the clerks. All wards are trained when they are committed to the Youth Authority and re-trained at EPdRYCF on the Orientation Cottage.*

7. Chemical Restraint Use -

a. Accountability procedures are ineffective for signaling possible unauthorized use of chemical restraint by individual employees, nor are other adequate safeguards in place.

- *The Superintendent's office and Chief of Security oversee Departmental Policy and Procedures in the accountability and tracking of all employees following the investigation request in December 1999. A Departmental Security And Management Audit and Internal Affairs Investigations assisted in addressing safeguards for staff and wards.*

b. With respect to Cambria cottage, evidence indicates there has been an excessive use of chemical restraint. Foggers have been used there as weapons for individual punishments as well as for extracting some wards from their cells. Such use may have resulted in unjustifiable bodily harm to some wards.

- *The Superintendent's office in conjunction with the Director's office, Internal Affairs Unit and Office of the Inspector General requested and investigated alleged chemical agent exposures prior to the Grand Jury reviews.*
- c. The Grand Jury was denied access to the documentation of medical treatments required following the use of chemical restraint agents.
 - *A subpoena was issued by San Luis Obispo County to produce said documents and EPdRYCF complied.*
- d. The Superintendent and Chief of Security, among others, had information sufficient to make them aware of these circumstances. There is no evidence that investigations were conducted following incidents of staff members using chemical agents in violation of EPdRYCF and CYA regulations.
 - *The issue is being addressed as part of an on-going internal affairs investigation.*
- 8. Grand Jury Final Report - This report would be a helpful reference for wards regarding their procedural rights and their conditions of confinement while under CYA jurisdiction.
 - *Final document will be placed in Ward Law Library.*

RECOMMENDATIONS

1. Ward Safety - None.
2. Staff Safety and Working Conditions - Repair and/or resurface interior perimeter roads to ensure safe use by vehicles.
 - *Statewide institutional problems with many institutions are currently being assessed by the Department's Institutions and Camps Branch and Facilities Planning Division. EPdRYCF addresses these by periodic updating of problematic areas by the Plant Operations Department.*
3. Communicable Disease Education and Prevention -
 - a. Staff: None.

b. Wards: Establish an educational program regarding the prevention of, and procedures for handling exposure to, communicable diseases for all wards from intake through parole. This program should be documented and included as a part of the EPdRYCF Operational Procedures Manual. Administration of this program should integrate the information into the individual cottage programs in coordination with the high school setting. Closed-circuit TV should be considered to enhance this education process.

- *A review committee consisting of the Medical/Dental Department, Orientation Cottage, Health and Safety Officer and Assistant Principal to review existing programs in place. The committee will recommend to the Superintendent's office procedures to include in the EPdRYCF Operations Manual.*

4. Ward Suicide Prevention - None.

5. Tattoo Removal - Obtain equipment for on-site tattoo removal, including required training for its use. Continue to submit budget requests, annually, for this purpose. Aggressively seek outside sources of funding, such as public and private grants.

- *The Department is currently exploring additional avenues from Institutions and Camps. A new Chief Medical Officer (CMO) is being hired by February 1, 2001. The Superintendent's Office and CMO will explore options that may be available. Initial contact has also been made with the San Luis Obispo County Probation Department to explore collaborative avenues with both departments.*

6. Ward Grievance Procedure (WGP) -

a. Redesign and establish an effective ward grievance procedure in full compliance with the Welfare and Institutions Code, Title 15 of the California Administrative Code, and the Youth Authority Institutions and Camps Manual. Design must include meaningful participation by representative wards, line staff (including teachers), union representatives, supervisors, and middle management. Procedure design should also involve a knowledgeable WGP specialist not employed at the EpDR facility.

- *The Department is currently revising the Ward Grievance Procedure. EPdRYCF will ensure complied with changes in Title 15 regulations. .*

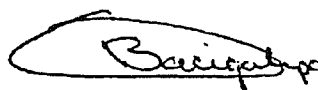
- b. Complete the redesign no later than July 1, 2001, with significant progress reported to the 2000-2001 San Luis Obispo County Grand Jury no later than February 1, 2001.
 - *The Department is currently revising the Ward Grievance Procedure. EPdRYCF will ensure complied with changes in Title 15 regulations.*
- c. In the interim, train all wards on the use of the present grievance procedure system in its entirety and assure all wards that they may use it without fear of reprisal. Fully train ward grievance clerks by October 1, 2000. Train new ward grievance clerks in accordance with the current policy and procedure.
 - *All wards arriving at EPdRYCF receive follow up grievance procedure system training on the Orientation Cottage. The Ward Grievance Coordinator provides a monthly meeting of all cottage grievance clerks who are fully trained. Upon a new cottage clerk being elected, they are appropriately trained in accordance with current policy and procedures.*

7. Chemical Restraint Use -

- b. Develop use of chemical restraint accountability procedures. Design effective methods and procedures for analyzing individual employee use of chemical restraint and pepper spray agents. Regularly cross-check a variety of reports for congruence: Use of Restraint Reports - Chemical, Special Incident/Information Reports, Medical Report of Unusual Occurrence or Injury, and Medical Treatment Room Logs. Develop safeguards to ensure staff compliance with chemical restraint use regulations.
 - *Current Departmental and Institutional policy requires all staff to document any mechanical or chemical agent usage to be reported to their supervisors by end of the shift. The supervisor reviews the behavior and documentation and forwards this report to the Chief of Security. The Chief of Security reviews and forwards to the Superintendent's office. The Chief of Security monitors inventory and quantity of chemical agents issued. The Superintendent's office authorizes any investigations or further reviews the identified behavior or incident. The Superintendent's office reviews all Medical Report of Unusual Occurrences or Injury and forwards all Special Incident and Information Reports to Departmental headquarters.*

- b. Investigate all incidents that appear to involve improper use or willful misuse of chemical restraints. If any staff members are found to have abused their authority to use such weapons, all disciplinary actions available to this institution, as well as the CYA, should be taken. These should include, but are not limited to, dismissal and requests for investigation of possible criminal wrongdoing, if the action so warrants.
- *The Superintendent's office reviews all staff and ward behavior and incidents. Upon completion of reviews requests could be made to Department headquarters for an Internal Affairs Investigation. If there is a sustained allegation the appropriate adverse action is taken. In some instances the Department will forward the case to the District Attorney's Office for review and possible prosecution.*
8. Grand Jury Report - Make this report, including all appendices, and the EPdR response to it available to all wards no later than October 1, 2000 as follows:
- a. Place copies of these documents in the wards' law library, for permanent reference.
- *Copies of these documents will be placed in the Wards Law Library.*
- b. Give the ward grievance clerks copies of these documents, with instructions to make the documents and their accessibility known and available to wards at their respective cottages.
- *Ward Grievance Clerks will be notified that they can have access through the Law Library.*

If you have any questions please feel free to contact me.



DAVID BACIGALUPO
Assistant Superintendent

COUNTY JAIL FACILITY

FINDINGS

1. Space inadequacies continue to exist for the Women's Jail.
2. Outside work is not made available for female Honor Farm inmates.
3. Lighting in the law library is insufficient.
4. There is no camera to monitor the safety cell for suicide-prone inmates.
5. "Exit" plans are inadequate for inmates with mental problems.

RECOMMENDATIONS

1. Fund and construct a new Women's Jail Facility.
2. Implement all-female, outside work crews for Honor Farm inmates.
3. Improve lighting in the law library.
4. Install cameras in the safety cells to monitor suicide-prone inmates.
5. Coordinate with the Mental Health Department to develop appropriate exit plans for the release of mentally ill inmates.

REQUIRED RESPONSES

Under Penal Code Section 933.05:

The *County Board of Supervisors* is required to respond to Finding and Recommendation 1.

The *County Sheriff/Coroner* is required to respond to Findings and Recommendations 2 through 5.

COUNTY SUPERIOR COURT HOLDING FACILITY

FINDINGS

1. The proposed remodeled facility will solve most of the problems, especially the over-crowding, identified in previous Grand Jury Reports and in a Department of Corrections report, dated March 16, 1999.
2. A critical issue not being addressed in the remodeling is the safety of inmates and staff in the long hallway where inmates line up for the various courts. Audio monitoring is ineffective due to the noise level in the hallway.

RECOMMENDATIONS

1. Take all actions necessary to expedite the remodeling process.
2. Immediately install a video monitoring system in the hallway where doors access the courtrooms.

REQUIRED RESPONSES

Penal Code 933.05 requires that the *San Luis Obispo County Board of Supervisors* and the *San Luis Obispo County Sheriff's Department* respond to each Finding and Recommendation.

County of San Luis Obispo

received
8-24-00



COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011

DAVID EDGE
COUNTY ADMINISTRATOR

TO: SUPERIOR COURT PRESIDING JUDGE

FROM: DAVID EDGE, COUNTY ADMINISTRATOR *DE*

DATE: AUGUST 21, 2000

SUBJECT: DEPARTMENTAL RESPONSES TO THE 1999-2000 GRAND JURY REPORT

On June 26, 2000, the Grand Jury issued a variety of reports regarding county services. State statute requires written responses from departments that are subject of Grand Jury Report findings and recommendations. According to the law, responses are to be directed to the Superior Court Presiding Judge within sixty days.

The attached documentation is submitted to you with this memorandum to serve as the Departments' response to the Grand Jury report.

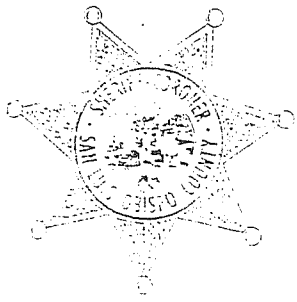
Thank you.

c - Each Board Members
Grand Jury Foreman
Jim Grant, Assistant Administrative Officer

Attachments:

County Roads - Engineering
→ County Jail/Court Holding Facilities - Sheriff's Office
Paso Robles Superior Court - Administrative Office
Youth Intervention Services - Administrative Office
Weed Abatement - Auditor - Controller and Tax Collector's Office

COUNTY JAIL COURT HOLDING FACILITIES



received
6-7-00

San Luis Obispo County Sheriff's Department

Patrick Hedges
Sheriff-Coroner
P.O. Box 32
San Luis Obispo, CA 93406

Code: August 15, 2000

Administration
4540

Legal Services
4400
The Honorable E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, CA 93408

Reception
4547
Dear Judge Burke:

Today
4600
I have reviewed the findings of the 1999-2000 San Luis Obispo County Grand Jury Report regarding their inspection of the Court Holding Facilities, and County Main Jail Facilities. My response to their findings and recommendations are as follows:

County Court Holding Facility

Findings

1. "The proposed remodeled facility will solve most of the problems, especially the over-crowding, identified in previous Grand Jury Reports and in a Department of Corrections report, dated March 16, 1999."

The respondent disagrees partially with the findings. The proposed remodel will solve problems of over-crowding. The State Board of Corrections identified the over-crowding issue in their report dated March 16, 1999, not the Department of Corrections.

Recommendations

1. "Take all actions necessary to expedite the remodeling process."

The recommendation has not yet been implemented. The Sheriff's Department has continually maintained that the Court Holding Facilities at the County Government Center are inadequate. The Sheriff's Department has been supportive of expansion or remodeling of the Holding Facilities to adequately provide a safe and secure holding area for inmates. However, remodeling and expansion of the Court Holding Facilities have been placed on hold at the request of the Superior Court. The Superior Court is currently pursuing the feasibility of constructing a new building for the Courts. It is hoped that a final direction will be reached

AUG 2000
Received
Superior Court
NDL

soon. A decision must be made as to whether it is cost-effective to remodel the existing facility or await the completion of a new Courts building. It is inappropriate to spend in excess of one million dollars for a facility that would be vacated within a year of completion. A tentative implementation date cannot be provided at this time, as the decision for a new building is now in discussion between other parties. (See attached correspondence.)

Findings

2. *"A critical issue not being addressed in the remodeling is the safety of inmates and staff in the long hallway where inmates line up for the various courts. Audio monitoring is ineffective due to the noise level in the hallway."*

The respondent disagrees partially with the findings. The Senior Capital Projects Coordinator states video monitoring of the long hallway is addressed in the drafted remodeling plans. Although audio monitoring is ineffective periodically because of noise level, each officer escorting inmates has a hand-held radio for communications with other officers and the control center.

Recommendations

2. *"Immediately install a video monitoring system in the hallway where doors access the courtrooms"*

The recommendation has not been implemented. A video monitoring system was planned in conjunction with the remodeling of Court Holding Facilities. At the request of the Superior Court, the holding cell expansion and remodel project has been placed on hold. It is anticipated a decision by the Superior Court will occur in September 2000 to consider the continued use of the Government Center for court facilities. In the meantime, and after discussion with the County Administrative Office, earlier implementation will occur. Completion by April, 2001 is anticipated.

COUNTY JAIL FACILITY

Findings

2. *"Outside work is not available for female Honor Farm inmates."*

The respondent disagrees with the finding. The female inmates assigned to the Honor Farm have work assignments outside the confines of the jail which entails housekeeping and maintenance assignments to the Administration/Jail buildings.

Recommendation

2. *"Implement all-female, outside work crews for Honor Farm inmates."*

The recommendation will not be implemented at this time. There are insufficient female inmates on the Honor Farm to accommodate all-female work crews working on roads or at parks and beaches outside the confines of the Sheriff facilities. The Sheriff's Department is obligated, legally and morally, to ensure the safety of the female inmates with proper supervision.

Findings

3. *"Lighting in the law library is insufficient."*

The respondent agrees with the finding.

Recommendations

3. *"Improve lighting in the law library."*

The recommendation has not yet been implemented, but will be implemented in the future. A request for upgrading of the lighting conditions in the law library has been submitted to General Services. An approximate completion date has not been received. See attached Requested Work Order.

Findings

4. *"There is no camera to monitor the safety cell for suicide-prone inmates."*

The respondent agrees with the finding.

Recommendations

4. *"Install cameras in the safety cells to monitor suicide-prone inmates."*

The recommendation will not be implemented because it is not warranted. The Sheriff's Department operates in compliance with the guidelines of the Board of Corrections for minimum standards of jail facilities as set forth in Title 15 of the California Code of Regulations. In addition to placing suicidal inmates in a safety cell, the cell is free of any objects which could assist in a suicide. The inmates are then observed at a minimum of twice

The Honorable E. Jeffrey Burke
Re: Grand Jury Recommendations
August 15, 2000

Page 4

each 30 minutes. This Department has been very successful in monitoring suicide-prone inmates. No inmates housed in a safety cell have ever committed suicide within our jail system. Installing cameras in the safety cells would require additional personnel to monitor the camera monitors.

Findings

5. *"Exit plans are inadequate for inmates with mental problems."*

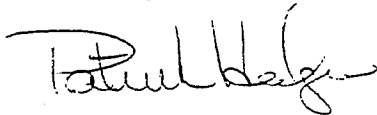
The respondent disagrees with the findings. As stated in the narrative of the report, there is an exit plan in place. The plan provides for a location for the released party to report and a five-day supply of medication is provided at no charge to the released party. As this Jail Program Aftercare Plan was implemented in consultation with Mental Health, it is not understood what inadequacy is being referenced.

Recommendation

5. *"Coordinate with the Mental Health Department to develop appropriate exit plans for the release of mentally ill inmates."*

The recommendation has been implemented. As referenced in the report, an exit plan has been in place. The plan was established by jail and mental health staff. A written plan is entered into between the inmate (client) and mental health staff and a supply of medication is provided the released inmate as maintenance medication until the time of appointment. See attached plan.

Sincerely,



Patrick Hedges
Sheriff-Coroner

PH/sjk
Enclosures

y:\...\chf_sc\gws\letters\ltburke.717



COUNTY OF SAN LUIS OBISPO
Department of General Services

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5200
DUANE P. LEIB, DIRECTOR

May 31, 2000

Ravatt Albrecht & Associates, Inc.
PO Box 528
Santa Maria CA 93456-528
Attn: Paul Reinhardt, AIA

CHANGE IN PROJECT STATUS
GOVERNMENT CENTER COURT HOLDING FACILITY EXPANSION, P5293

At the request of the Superior Court, the Administrative Office and the Board of Supervisors was recently asked to reconsider the continued use of the Government Center for court facilities. Pending the outcome of any future decision, we are placing the Holding Cell Expansion Project on indefinite hold. I don't have a feel for when any further recommendations will be made, but we will keep you informed as to potential start-up of the next project phase.

Thank you for your patience.

GREGORY J. MacDOUGALL, AIA
Senior Capital Projects Coordinator

cc: Capt. Gary Hoving
~~Lt. Ben Hall~~
Dennis Gravelle

GS Maintenance Request

Barbara Spencer/CountyofSLO
on 07/24/2000 at 03:21 PM

Date:	07/24/2000	Department:	Sheriff
Requested by:	Capt. Hoving	Phone:	4611
Approved by:	Spencer	Address:	Main Jail Law Library

DESCRIPTION OF WORK OR NEED: (One type of repair per form.)
Room needs brighter light. Install new or replace.

Priority of work:

☐ Routine ☒ Urgent ☐ Emergency

EMERGENCIES CALL: 781-5124

Reviewer: _____ Date: _____

Estimate Required Estimated Completion Date: _____

Remarks:

Assigned To: _____

Assigned Date: _____ Start Date: _____ Completed: _____

Worker:					Totals
Time Spent:					
Material Costs:					

Contacted: _____

Activity Code	Building Code/ Project	Area Code	Dept Code	Work Code	Category

Work Description:

Client Name: _____

Address: _____

Phone Number: _____

Discharge Date: _____

Treating Diagnosis: _____

Discharge Medications: _____

SLO County Outpatient Clinic Mental Health Referral - Therapist/Appointment

☐ Call 1-800-838-1381 to request services.

☐ We have called 1-800-838-1381 to request services, your appointment is with:

☐ Paso Robles County Mental Health: _____
828 11th Street, Paso Robles CA 93446, (805)237-3170

☐ Atascadero County Mental Health: _____
5575 Hospital Drive, Atascadero CA 93422, (805)461-6060

☐ South County Mental Health: _____
1106 Grand Avenue, Suite B, Arroyo Grande CA 93422, (805)93444

☐ San Luis Obispo County Mental Health: _____
2178 Johnson Avenue, San Luis Obispo CA 93401-4535, (805)781-4700

Referral to Other Professionals: _____

☐ San Luis Obispo County Drug and Alcohol Services:
2945 McMillan Road, Suite 136, San Luis Obispo CA 93401, (805)781-4275

I, _____ have been informed of my discharge plan.

____ I have given my informed consent to receive discharge medication at the San Luis Obispo County Jail.

____ I have discussed with staff the risk involved in stopping my medication without consulting with the psychiatrist.

Client Signature _____ Date: _____

Staff Signature _____ Date: _____

CALIFORNIA VALLEY COMMUNITY SERVICES DISTRICT

FINDINGS

1. The CVCSD Board violated its own rules and procedures in two specific instances:
 - a. The Board approved an agenda item at the first reading without waiving the second reading by a 4/5 vote to suspend the rules.
 - b. The Board appointed an employee to the position of GM/CEO, at an increase in salary, without recruiting for the position and, upon appointment, that person did not possess the qualifications stated in the manual.
2. The Board minutes of February 17, 1999, do not reflect the discussion of and objections by two Directors to the actions described in Finding 1. This failure constitutes a significant omission regarding the conduct of the meeting.
3. Minutes do not appropriately reflect business conducted at meetings. The recording equipment currently in use is not adequate to record meetings and produce accurate minutes.
4. The Board has failed to appoint new Directors to vacant positions in a timely manner and, in at least two instances, appointed Directors to vacancies after the statutory time to do so had expired. The Board failed to declare a vacancy or appoint a replacement following three unexcused absences by a Director.
5. Formal training for Directors and the General Manager has been inadequate in the past.

RECOMMENDATIONS

1. All Directors should learn and follow the District's rules, policies, and procedures, including those pertaining to the conduct of meetings and those pertaining to such substantive matters as hiring employees. All new Directors should receive a copy of the District's current rules and procedures upon being sworn in, and a specific training program for new Directors should be formally adopted and included in the Policies and Procedures Manual. The District should continue its reliance upon legal counsel.

2. and 3. (a) All minutes should fully and accurately reflect all discussions and proceedings during meetings, including the positions of those who were outvoted. Anyone who takes notes and prepares minutes should complete the appropriate training offered by an accredited organization.

(b) The Board should acquire adequate equipment, including sufficient microphones, to record meetings.

4. The District should adopt a policy, which includes automatic "triggers," to make certain that Board vacancies are filled in a timely manner, at least within the time required by law, and that notification to County election officials takes place.

5. The General Manager and all Directors, now and in the future, should regularly attend educational programs offered by the California Special Districts Association and other organizations.

REQUIRED RESPONSES

Under Penal Code Section 933.05, the *California Valley Community Services District* is required to respond to each Finding and Recommendation.

received
2-22-01

CALIFORNIA VALLEY
COMMUNITY SERVICES DISTRICT
RESPONSE TO GRAND JURY REPORT
DATED JUNE 26, 2000

Pursuant to Penal Code §933.05, the California Valley Community Services District responds to the findings and recommendations contained in the San Luis Obispo County Grand Jury Report dated June 26, 2000.

RESPONSES TO FINDINGS

CVCSD Response to Finding No. 1:

The finding of the Grand Jury is vague in that it does not specify the meeting in which the alleged violation of its own rules occurred.

Assuming this reference is to the meeting on February 17, 1999, California Valley Community Services District responds as follows:

1. California Law does not require a community services district to hold two meetings regarding the adoption of any motion or resolution of the board. The action of the California Valley Community Services District Board on that date did not violate any California law.

2. The policies and procedures of the District on or about February 17, 1999, were in disarray. The policies contained many contradictory sections. Since that time, the Board of Directors has adopted a new set of policies and procedures to alleviate any problems regarding interpretation. The new policies and procedures do not require a four-fifths vote to suspend rules and the Board of Directors may approve motions and resolutions at their first reading or presentation.

CVCSD Response to Finding No. 1(b):

California Government Code §61240 requires that the Board of Directors as soon as practical after its first meeting, appoint a general manager. At the time of February 17, 1999, the District was without a general manager. It had been without a general manager for a substantial period prior to that date.

The Board of Directors having just attended a California Special District Association seminar knew that they must immediately appoint a general manager. Further, during the period of time the District was serving without a formal general manager, Joseph Stevens, then a member of the Board of Directors, was acting in that

capacity. This was contrary to California Government Code §61241 which specifies that a director should not be general manager or secretary of the district.

At the time of the February 17, 1999 meeting the Board recognized that it was operating in violation of California law by not having a general manager and having recognized that it had been in the past acting in violation of the law by having a director serve in the capacity of general manager the Board chose the best-qualified individual to serve in that capacity.

CVCS D Response to Finding No. 2:

The finding of the Grand Jury does not list any violation of any Government Code requirement. CVCS D contends that its Minutes are adequate in that they describe the motion and the vote taken. There is no requirement provided at law by statute or by case that requires a complete recitation of the positions of each member of the Board or any member of the public in regard to the issue taken or the vote taken.

CVCS D Response to Finding No. 3:

See Response to Finding No. 2.

CVCS D Response to Finding No. 4:

The Board of Directors of the CVCS D presently consists of five members. The Board of Directors followed the law in terms of appointment of members of the present Board of Directors. The actions taken by the Board of Directors in the filling of these positions did not constitute a violation of any law.

CVCS D Response to Finding No. 5:

The General Manager and Board of Directors are now members of the California Special District Association and do attend meetings. The Board of Directors is presently considering changes to its By-Laws to require attendance on an annual basis at seminars provided by the California Special District Association.

RESPONSES TO RECOMMENDATIONS

CVCS D Response to Recommendation No. 1:

The Directors follow the Districts Rules, Policies and Procedures in regard to all business conducted by the Board of Directors. New members of the Board of Directors do receive the Policy and Procedures and By-Laws of the Board.

CVCSD Response to Recommendation Nos. 2 and 3:

California Valley Community Service District's Minutes do comply with the law with regard to Minutes. The Minutes of the District are action Minutes, i.e. they identify the motion, the maker, and the vote.

(b) The Board is presently considering its option with regard to purchasing additional equipment. This is limited by budgetary constraints.

CVCSD Response to Recommendation No. 4:

The California Valley Community Services District Board of Directors is considering amendments to its By-Laws that would require immediate action to fill vacancies. At no time did the California Valley Community Services District violate any law with regard to the appointment of replacement members to its Board.

CVCSD Response to Recommendation No. 5:

The California Valley Community Services District is considering amendments to its By-Laws that would require attendance at California Special District Association seminars. However, the present policies of the District strongly encourage members of the Board to do so. The ability of the District to comply with this recommendation is subject to budgetary considerations. The California Valley Community Services District contends that it did not violate any law in terms of the manner of its conduct of its meetings on March 17, 1999, or any date thereafter. Board of Directors does presently consist of five elected members. The Board of Directors has By-Laws and Policies and Procedures for operation of the District which it follows. California Valley Community Services District presently has legal counsel.

Respectfully submitted,

California Valley Community Services District

Dated: 7/21, 2000

By: 
Sal Guide
President of the Board of Directors

PROTECTION OF NEW PROPERTY OWNERS AGAINST INAPPROPRIATE ASSESSMENTS FOR WEED ABATEMENT COSTS

FINDINGS

1. Government Code Section 38773.5 requires abatement costs to be transferred to the unsecured tax roll if the property is transferred to a new owner after the abatement but before the first installment of taxes becomes delinquent. This legal requirement has not been followed by the governmental agencies which use the County for collection of such costs under this statute.
2. The primary responsibility for compliance with this statute lies with the agencies which perform nuisance abatements and assess the costs to the property owners.
3. Use of the provisions in Government Code Section 38773.1 (permitting agencies to recover costs directly from the property owner), in lieu of the *proper* use of Section 38773.5 (permitting agencies to recover costs by using the County property tax system), would be less burdensome for all agencies involved and virtually eliminate risk to new property owners of being charged improperly for weed abatement costs.

RECOMMENDATIONS

1. and 2. The agencies which use Government Code Section 38773.5 and San Luis Obispo County should work together to comply fully with this statute. Options for agencies recovering costs through the County property tax system include, but are not necessarily limited to:
 - a. Reviewing County assessment roll records regarding property ownership transfers prior to sending a billing list to the Auditor/Controller for inclusion on the property tax roll.
 - b. Immediately notifying the Tax Collector of any errors in assessment of abatement costs after property tax bills are sent to property owners, so that the errors can be corrected.
 - c. Immediately notifying new property owners that any assessed abatement charges may be the responsibility of the previous property owner, and do not constitute a lien on the property, depending on the date of the nuisance abatement and the date of property ownership transfer.
 - d. Reviewing the assessment roll regularly to assure costs are being assessed to the property owner who owned the property when the weed abatement occurred.

OR

3. As an alternative to 1 and 2 above, agencies using Government Code Section 38773.5 could follow the approach taken by agencies which do not use the County property tax billing process as a means for collecting such abatement costs, and use Government Code Section 38773.1 by billing directly and recording a lien. The charges will then appear in County records and will appear in a title search before the property is transferred, obviating any need for the procedures described in 1&2a. through 1&2d. above.

REQUIRED RESPONSES

Under Penal Code Section 933.05, each of the ***following ten agencies*** is required to respond to all Findings and Recommendations:

- City of Atascadero
- Cambria Community Services District
- Cayucos Fire District
- City of Grover Beach
- Oceano Community Services District
- City of Paso Robles
- City of Pismo Beach
- Los Osos Community Services District
- Santa Margarita Fire District
- Templeton Community Services District

The ***San Luis Obispo County Auditor/Controller*** and the ***San Luis Obispo County Tax Collector*** are required to respond to Finding 3 and Recommendations 1 and 2.

County of San Luis Obispo

received
8-22-00



COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011

DAVID EDGE
COUNTY ADMINISTRATOR

TO: SUPERIOR COURT PRESIDING JUDGE

FROM: DAVID EDGE, COUNTY ADMINISTRATOR *DE*

DATE: AUGUST 21, 2000

SUBJECT: DEPARTMENTAL RESPONSES TO THE 1999-2000 GRAND JURY REPORT

On June 26, 2000, the Grand Jury issued a variety of reports regarding county services. State statute requires written responses from departments that are subject of Grand Jury Report findings and recommendations. According to the law, responses are to be directed to the Superior Court Presiding Judge within sixty days.

The attached documentation is submitted to you with this memorandum to serve as the Departments' response to the Grand Jury report.

Thank you.

c - Each Board Members
Grand Jury Foreman
Jim Grant, Assistant Administrative Officer

Attachments:

County Roads - Engineering
County Jail/Court Holding Facilities - Sheriff's Office
Paso Robles Superior Court - Administrative Office
Youth Intervention Services - Administrative Office
→ Weed Abatement - Auditor - Controller and Tax Collector's Office

WEED ABATEMENT



Tax Collector

SAN LUIS OBISPO COUNTY

Frank L. Freitas, CPA
Department Head

Donna L. Morris
Assistant

Room 203, County Government Center • San Luis Obispo, CA 93408-2060

- Phone 805.781.5830
- Fax 805.781.5362
- Email ttc@co.slo.ca.us

August 10, 2000

Hon. E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell, Room 236
County Government Center
San Luis Obispo CA 93408

RE: 1999-2000 San Luis Obispo County Grand Jury Report

Honorable Judge Burke:

A review of the Grand Jury report dated June 26, 2000 has been completed. The following is the department's response to Finding 3 and Recommendations 1 and 2.

Finding 3 – The respondent agrees with the finding that weed abatement is better addressed through billing by the local agency.

The use of Government Code Section 38773.1 by local agencies which assess the abatement charges is better suited to address the collection issues at a more personal level. Such local agencies are closer to each individual situation than the County Tax Collector. Billing through Government Code Section 38773.1 assures that the appropriate party who maintained the nuisance violation will be charged with the abatement costs.

Recommendations 1 and 2 – The recommendations that affect the Tax Collector have been implemented by appointing a contact person to address weed abatement assessment issues.

The Tax Collector has a designated contact person to receive communications or reports from property owners or agencies regarding any errors in weed abatement assessments, so that errors that come to the attention of the Tax Collector can be immediately reported to and corrected by the Auditor.

Please direct any questions regarding this response to Donna Morris at 781-5888.

Sincerely,

FRANK L. FREITAS, CPA
Treasurer, Tax Collector, Public Administrator

A handwritten signature in cursive script, appearing to read "Donna Morris".

By Donna Morris,
Deputy Tax Collector

DM:dd

County of San Luis Obispo
Office of the Auditor-Controller
Room 300 County Government Center
San Luis Obispo, California 93408
(805) 781-5040 FAX (805) 781-1220



GERE W. SIBBACH, CPA
Auditor-Controller
BILL ESTRADA
Assistant

June 28, 2000

Hon. E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, CA 93408

Honorable Judge Burke:

Our Office has reviewed the Grand Jury report dated June 26, 2000. As required in the document, you will find the following response to Finding 3 and Recommendations 1 and 2.

Finding 3- The respondent partially disagrees with the finding.

We agree that if an agency was to use the provisions set forth in Government Code Section 38773.1, and directly bill and lien the property owner, that it would reduce, "not eliminate", the risk that a new owner was improperly charged. The district would be billing the individual and would need to verify the owner of record at the time of the abatement. There will still be a lag time between the change of ownership and when that change is input into a publicly accessible file. We disagree with the statement this procedure "would be less burdensome for all agencies involved". This procedure would be considerably more work for agencies. They would be responsible for billing, collecting, lien recording, and filing a release of lien for each parcel that had an abatement. The district would not have a guaranteed cash flow which it has now.

Recommendations 1 and 2 - The recommendations have been partially implemented.

We concur with the recommendations, and on March 30th of this year, we notified all special districts with weed abatement charges of their responsibility to validate ownership. Districts were instructed to thoroughly research assesses and to charge the prior owner if there was a transfer of ownership after the abatement occurred. We will continue to work with all districts to insure that new owners will not be responsible for a prior owner's weed abatement charge.

If there are any further questions or concerns regarding our response, please call Marsha Stillman at 781-5037.

Sincerely yours,

by *Bill Estrada* for
Gere W. Sibbach
Auditor Controller

County of San Luis Obispo
Office of the Auditor-Controller

Room 300 County Government Center
San Luis Obispo, California 93408
(805) 781-5040 FAX (805) 781-1220



GERE W. SIBBACH, CPA
Auditor-Controller

BILL ESTRADA
Assistant

**TO: SPECIAL DISTRICTS ENTERING WEED ABATEMENTS
ON THE TAX ROLL**

FROM: MARSHA STILLMAN, AUDITOR-CONTROLLER'S OFFICE

DATE: MARCH 30, 2000

When submitting your signed Board Resolution this year please verify the authorizing code sections to make sure they are still valid.

Thoroughly research the assessee of record at the time the weeds were abated. If there has been a transfer of ownership after the abatement, the prior owner needs to be charged. If this occurs, you would need to prepare an additional list with the parcel number, amount and name and address of the previous owner. These assessments will be entered on the Unsecured Roll.



received
10-5-00

CITY OF ATASCADERO

CITY COUNCIL

September 27, 2000

Honorable E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell – Room 236
County Government Center
San Luis Obispo, CA 93408

Subject: Grand Jury – Abatement Assessments

Dear Judge Burke:

This letter serves as the response of the Atascadero City Council required under Penal Code section 933 pertaining to the City of Atascadero's Assessments for Weed and/or Refuse Abatement Costs.

The City of Atascadero's abatement program currently operates under Government Code Sections 39561 – 39700. The Atascadero Municipal Code (AMC) requires the abatement program to operate in specific time frames. AMC, Title 6, Section 13.08 requires the City to mail notification to property owners of the proposed abatement, using the most current data available from the County's last assessment roll. This is to take place on the date the resolution is adopted. This resolution, declaring weeds and/or refuse a nuisance, is historically adopted during the second City Council meeting in April.

The City waits until the last possible date to order the assessment listing from the County assuring that the most current property owner information is obtained. This generally occurs 30 days prior to the mailing of the notices. This allows the appropriate time for our technology department to format the diskette, enter the proposed abatement data, and prepare the notices to be mailed. The notices must be postmarked 14 days prior to Council's hearing of objections.

In the past twenty (20) years, the City has annually inspected 9,000+ parcels, notifying approximately 4500 property owners of proposed abatement, and abating an average of 150 properties. The City receives very few complaints each year, with even fewer regarding the process of charges. Each complaint or incorrect charge is given immediate attention and quickly resolved.

The City of Atascadero's Abatement Program is the most important tool our community has in regards to protecting life and property from fire. It is hoped that the City and County can work

September 27, 2000

Hon. E. Jeffrey Burke

Re: Grand Jury – Abatement Assessments

City of Atascadero

Page 2

jointly to ensure improper charges do not occur, and at the same time ensure that requirements are not imposed upon the City of Atascadero that would jeopardize this valuable life and property saving program.

Findings

1. Government Code Section 38773.5 requires abatement costs to be transferred to the unsecured tax roll if the property is transferred to a new owner after the abatement but before the first installment of taxes becomes delinquent. This legal requirement has not been followed by the governmental agencies, which use the County for collection of such costs under this statute.

The respondent fully agrees with this finding. For the past 20 years, the City Council has not transferred costs to the unsecured tax roll in the event ownership of property transfers.

2. The primary responsibility for compliance with this statute lies with the agencies, which perform nuisance abatements and assess the costs to the property owners.

The respondent partially agrees with this finding. The City Council believes that the primary responsibility lies with the property owner that received notification to abate the nuisance, as well as the Title Company and/or Real Estate agency assisting in the sale of the property. The Title Company and/or Real Estate agency should research thoroughly, assuring that there are no current or proposed liens against the property, as part of the escrow process.

3. Use of the provisions in Government Code Section 38873.1 (permitting agencies to recover costs directly from the property owner), in lieu of the proper use of Section 38773.5 (permitting agencies to recover costs by using the County property tax system), would be less burdensome for all agencies involved and virtually eliminate risk to new property owners of being charged improperly for weed abatement costs.

The respondent disagrees wholly with this finding. To bill the property owners directly and not utilize the tax roll would make the program so labor intensive that it would no longer be feasible.

Recommendations

1. and 2. The agencies which use Government Code Section 38773.5 and San Luis Obispo County should work together to comply fully with this statute. Options for agencies recovering costs through the County property tax system include, but are not necessarily limited to:
 - a. Reviewing County assessment roll records regarding property ownership transfers prior to sending a billing list to the Auditor / Controller for inclusion on the property tax roll.
 - b. Immediately notifying the Tax Collector of any errors in assessment of abatement costs after property tax bills are sent to property owners, so that errors can be corrected.
 - c. Immediately notifying new property owners that any assessed abatement charges may be the responsibility of the previous property owner, and do not constitute a lien on the property, depending on the date of the nuisance abatement and the date of property ownership transfer.
 - d. Reviewing the assessment roll regularly to assure costs are being assessed to the property owner who owned the property when the abatement occurred.

The respondent currently conducts or will implement the following options: a. and b. The City will begin to transfer abatement costs to the unsecured tax roll if the property is transferred to a new owner after the abatement but before the first installment of taxes becomes delinquent. The City will continue to immediately notify the Tax Collector of any errors in assessment of abatement costs.

The respondent will not implement the following options: c. and d. The City will not be notifying new property owners that any assessed abatement charges may be the responsibility of the previous property owner, and do not constitute a lien. Because, by transferring abatement costs to the unsecured tax roll eliminates the incorrect billing of the new property owner. Also, there is no need for the City to review the assessment roll regularly to assure costs are being assessed to the property owner who owned the property when the abatement occurred, because that is handled upon transferring abatement charges to the unsecured tax roll.

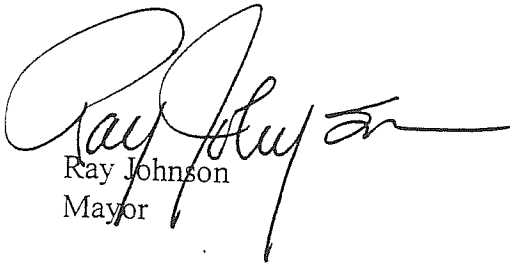
Additionally, the City will implement/continue the following:

1. *Continue to make every effort possible to receive the most current data.*
2. *When improper charges occur, the City will work with the property owner to achieve a resolution.*
3. *Continue to educate residents when the weed and/or refuse abatement programs are in effect.*
4. *Implement an annual letter to all local real estate and title companies, advising of the abatement period.*

3. As an alternative to 1 and 2 above, agencies using Government Code Section 38773.5 could follow the approach taken by agencies which do not use the County property tax billing process as a means for collecting such abatement costs, and use Government Code Section 38773.1 by billing directly and recording a lien. The charges will then appear in County records and will appear in a title search before the property is transferred, obviating any need for the procedures described in 1 & 2a. through 1 & 2d. above.

The recommendation will not be implemented. As previously stated, if the City were to bill the property owners directly and not utilize the tax roll the program would become so labor intensive that it would no longer be feasible.

Respectfully submitted on behalf of the Atascadero City Council,



Ray Johnson
Mayor

RJ:mmt

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:

HELEN MAY, President
PETER CHALDECOTT, Vice President
LOU BLANCK
KAT MC CONNELL
DONALD VILLENEUVE



OFFICERS:

KENNETH C. TOPPING
General Manager
PAULETTE NIGHSWONGER
District Secretary
MARGARET MOORE-SOHAGI
Legal Counsel

1316 Tamson Drive, Suite 201, PO BOX 65, CAMBRIA, CA 93428
Telephone (805) 927-6223, FAX (805) 927-5584

September 28, 2000

Honorable E. Jeffery Burke
Judge of the Superior Court
c/o Mary O'Donnell, Room 236
County Government Center
San Luis Obispo, Ca 93408

Re: Response of Cambria Community Services District to Grand Jury Report regarding Protection of New Property Owners Against Inappropriate Assessments for Weed Abatement Costs.

Dear Judge Burke:

This letter responds to the letter and the above report sent to the Cambria Community Services District ("CCSD") by Grand Jury Foreman Michael A. Clark dated June 26, 2000. The CCSD's response is in accordance with Penal Code Section 933.05. The CCSD's responses to the Findings and Recommendations of the report are listed below.

FINDINGS:

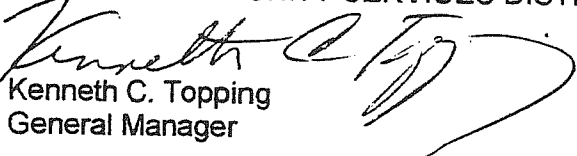
- (1) The CCSD disagrees partially with the finding because Government Code section 38773.5 applies to cities not districts. The CCSD enforces weed abatement charges according to Government Code Section 61623.5 and Health and Safety Code Sections 14875, et seq. Health and Safety Code Section 14912 is comparable to Government Code section 38773.5. The CCSD has no knowledge of whether these legal requirements have been followed by other governmental agencies.
- (2) The CCSD agrees with the finding.
- (3) The CCSD disagrees partially with the findings because it would much more burdensome for all of the agencies involved to use the procedures utilizing Government Code section 38773.1 or Health and Safety Code Section 14912 for the collection of weed abatement charges. The CCSD finds that it is much more efficient and cost effective to refund weed abatement charges assessed to the new property owner directly to the new owner than to implement the procedures of Health and Safety Code 14912.

RECOMMENDATIONS

- (1 & 2) The CCSD agrees with the recommendation that agencies work with San Luis Obispo County to fully comply with the Health and Safety Code Section 14912.
- (a) The CCSD will review County assessment roll records and property transfer reports from private companies which are usually more current than the County assessment rolls regarding property ownership. This will be done prior to submitting any future weed abatement charges to the San Luis Obispo County Auditor Controllers Office. The CCSD will continue its practice of notifying all of the escrow and title insurance companies located in Cambria three (3) different times during the weed abatement process.
- 1) When the Weed Abatement Notices are mailed out, a list of all of the parcels that have to be abated is given to the escrow and title companies.
 - 2) At the time the Board of Directors of the CCSD accept the list of parcels that will have weed abatement done by a contractor hired by the CCSD, a list of those parcels on the contract list are distributed to the escrow and title companies.
 - 3) When the weed abatement charged are submitted to the San Luis Obispo County Auditor-Controllers Office a third list is given to the escrow and title companies in Cambria.
- (b) The recommendation has not been implemented, but will be implemented for the 2001 weed abatement season.
- (c) The recommendation has not been implemented, but will be implemented for the 2001 weed abatement season.
- (d) The recommendation has not been implemented, but will be implemented for the 2001 weed abatement season.
- (3) The recommendation will not be implemented because it is not warranted, as the CCSD will implement recommendations (1) and (2) listed above.

If you have any question concerning the above, please contact me at 927-6223 or in my absence, Bob Hamilton, Utilities Manager, at the same phone number.

Sincerely,
CAMBRIA COMMUNITY SERVICES DISTRICT


Kenneth C. Topping
General Manager

KCT/bh

Cc: Margaret Sohagi, District Counsel

CAYUCOS FIRE PROTECTION DISTRICT
201 CAYUCOS DRIVE
P.O. BOX 707
CAYUCOS, CA 93430
(805) 995-3372

RESPONSE TO GRAND JURY REPORT

SUBJECT: Protection of New Property Owners Against Inappropriate Assessments
For Weed Abatement Costs.

INTRODUCTION

Cayucos Fire Protection District is an entity organized under Health & Safety Code section 13800 et seq. Pursuant to Health & Safety Code section 13879, it has as one of its powers, the power to abate hazardous weeds and rubbish.

Specifically, Health & Safety Code section 13879 provides that Fire Protection District may abate fire hazards following the procedures outlined in Health & Safety Code section 14875 et seq.

CFPD PROCEDURES

As indicated above, Health & Safety Code at part 5 (§14875 et seq.) deals with "Abatement of Hazardous Weeds and Rubbish."

The general procedure followed by the Cayucos Fire Protection District is to have employees under the supervision of the Fire Chief identify those properties which pose a public nuisance because of hazardous weeds. Those properties are notified via U.S. mail. A resolution is adopted identifying those properties which have been posted as constituting a nuisance, but which have not been remediated. Health & Safety Code section 14883 requires a description of the subject property to be included with the resolution. Health & Safety Code section 14883 states as follows:

The resolution shall describe the property upon which, or in front of which a nuisance exists by describing the property by reference to the tract, block, lot, code area, and parcel number, as used in the records of the County Assessor or in accordance with the map used in describing the property for taxation purposes. No other description is necessary.

Prior to any hearing the properties are posted pursuant Health & Safety Code sections 14893, 14894 and 14895. Further, notice is published in a newspaper of general circulation not less than 10 days prior to the hearing.

CAYUCOS FIRE PROTECTION DISTRICT
201 CAYUCOS DRIVE
P.O. BOX 707
CAYUCOS, CA 93430
(805) 995-3372

Health & Safety Code section 14912 allows for the collection of the costs of abatement as special assessments on the subject property. This section reads as follows:

"The amount of costs for abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed and the amount of costs incurred by the responsible agency in enforcing the abatement upon parcels, including investigation, boundary determination, measurement, clerical and other costs, shall constitute assessments against the respective parcels of land, and are lien on the property for the amount of the respective assessments. Such lien attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as an ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such assessment, except that if any real property to which a lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement and costs of enforcing abatement, as confirmed, relating to such property shall be transferred to the unsecured roll for collection."

Cayucos Fire Protection District has been following the Health & Safety Code procedures for abatement of hazardous weeds and rubbish for 23 years. Weed abatement has been collected by special assessment and liens on the property for all of those years. To date, the issue regarding a subsequent bona fide purchaser has not been raised by any District resident since the inception of the collection process.

RESPONSE TO SPECIFIC FINDINGS AND RECOMMENDATIONS

INTRODUCTION

At the outset it should be noted that the Grand Jury Report refers to incorrect code sections for the weed abatement process. Specifically, the Grand Jury Report refers to Government Code section 38773.5. Consequently, the references to those sections are erroneous and the analysis is inapplicable to the Cayucos Fire Protection District.

Finding No. 1: Cayucos Fire Protection District Disagrees With Finding.

Finding No. 1 is not applicable to Cayucos Fire Protection District. The District is authorized to conduct its abatement procedures pursuant to the Health & Safety code and not the Government Code. The Cayucos Fire Protection District has conscientiously followed the tenets of the Health & Safety Code. This issue has not been raised by any subsequent property owner. When and if the issue is raised Cayucos Fire Protection District will follow the law as set forth in Health & Safety Code section 14912.

Finding No. 2: Cayucos Fire Protection District Agrees With Finding.

No statutory basis is cited for this finding. Cayucos Fire Protection District acknowledges that if it were made aware of an assessment placed on property for abatement purposes, which had subsequently been transferred or conveyed to a bona fide purchaser for value prior to the date of the first installment of that assessment, the District would follow the law as set forth in Health & Safety Code section 14912.

Finding No. 3: Cayucos Fire Protection District Disagrees With Finding.

This finding references Government Code section 38773.1 which defines and allows for nuisance abatement liens. A similar code section is not included within the Health & Safety Code. The procedure outlined in Government Code section 38773.1 is a costly and time-consuming mechanism for all parties concerned in terms of responding to this issue. It would in no way make the process easier for either the District or property owner.

As indicated under present District policies if a property owner were to present evidence that they were a subsequent bona fide purchaser and that they became the property owner after the report was given to the County Assessor's office but before the first installment was due, the District would simply cause an assessment to be removed from the property owner's property assessment and placed on the unsecured tax rolls. A maximum of one or two contacts between the District and the property owner would result. The dispute resolution process is outlined in Health & Safety Code section 14912.

RESPONSE TO RECOMMENDATIONS

Recommendation 1 and 2: Will Not Be Implemented.

The Cayucos Fire Protection District is not authorized to use Government Code section 38773.5. Consequently, this recommendation is inapplicable to the District. The District follows a procedure which is outlined in the Health & Safety Code section 14875 et seq. Under this procedure notice is provided to the property owner based upon the last and most recent County Assessor's Roll.

The procedures outlined in Recommendations 1 and 2 (a), (b), and (c), raise the costs associated with each assessment. Further, following this recommendation would raise the ultimate costs associated with the process and increase the fees associated with the collection of the charge. All administrative costs and legal costs incurred by the District in terms of the multiple reviews of the assessor's rolls and the service of the liens are added to and become a part of the lien under the procedure recommended by the Grand Jury.

Recommendation No. 3: Will Not Be Implemented.

As indicated above, following the procedure as outlined in Recommendation No. 3 would be more expensive, more cumbersome, and more time-consuming for both the property owner as well as the District. In the case of the Cayucos Fire Protection District it would cause the personal service of approximately 20 different liens. All administrative and legal costs associated with the placement of those liens would constitute a part of those liens and raise the lien amount substantially.

CONCLUSION

Cayucos Fire Protection District is not authorized to use and consequently does not follow the procedures outlined in Government Code section 38773.5. Instead it follows the procedures outlined in Health & Safety Code section 14875 et seq.

To date, the application of the Health & Safety Code sections by Cayucos Fire Protection District has not resulted in one instance in which a subsequent purchaser of the property was charged erroneously on the County Tax Collector's Rolls. If this circumstance would arise, the Health & Safety Code provides for an adequate, quick remedy to the subsequent property owner. If this issue was raised by a subsequent property owner, and that property owner was able to provide satisfactory evidence to the District, the District would cause the assessment to be removed from that owner's property, and the lien would be placed on the unsecured tax roll.

CAYUCOS FIRE PROTECTION DISTRICT

201 CAYUCOS DRIVE

P.O. BOX 707

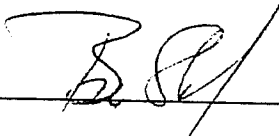
CAYUCOS, CA 93430

(805) 995-3372

Respectfully submitted,

Cayucos Fire Protection District

Dated: 9/25, 2000

By: 

Bill Shea, Chairman
Cayucos Fire Protection District



CITY OF GROVER BEACH

received
8-2-00

MAYOR - DAVID EKBOM

MAYOR PRO TEM - RICHARD W. NEUFELD

COUNCIL MEMBER - RONALD ARNOLDSEN

COUNCIL MEMBER - PETER KEITH

COUNCIL MEMBER - DEE SANTOS

CITY MANAGER - TOM A. ODOM

July 28, 2000

Hon. E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, CA 93408

SUBJECT: PROTECTION OF NEW PROPERTY OWNERS AGAINST INAPPROPRIATE ASSESSMENTS FOR WEED ABATEMENT COSTS

Dear Hon. E. Jeffrey Burke:

The following is the response from the City of Grover Beach to the 1999-2000 San Luis Obispo County Grand Jury final report regarding Protection of New Property Owners Against Inappropriate Assessments for Weed Abatement Costs:

FINDINGS

1. The respondent agrees with the finding.
2. The respondent agrees with the finding.
3. The respondent agrees with the finding.

RECOMMENDATIONS

1. and 2. The City of Grover Beach will cooperate and work together with San Luis Obispo County to comply fully with Government Code 38773.5. Furthermore, the City will make a diligent effort to delete any charges incurred erroneously by new property owners. The City has experienced an error of this nature only once during the past six years and finds the current level (approximately 10 properties) manageable to handle in this manner.
3. The recommendation will not be implemented since it is not applicable because the City is implementing recommendation 1 & 2 as stated above.

Hon. E. Jeffrey Burke - Assessments for Weed Abatement
July 28, 2000

Page 2

This concludes the response from the City of Grover Beach. If you have any questions or comments, please do not hesitate to contact my office at 473-4567.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom A. Odom". The signature is fluid and cursive, with the first name "Tom" being more prominent.

TOM A. ODOM
City Manager

c:\CM\Ltr-GrandJuryResponse.728

c: Mayor and City Council
Fire Chief

AUG 2000



CONFIDENTIAL

received
9-6-00

Oceano Community Services District

1655 Front Street, P. O. Box 599, Oceano, CA 93445 (805) 481-6730 FAX (805) 481-6836

CONFIDENTIAL

August 30, 2000

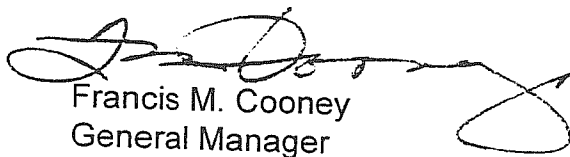
Presiding Judge, Superior Court
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93401

Your Honor:

Attached is the Oceano Community Services District Response to the Grand Jury Report entitled "Protection of New Property Owners Against Inappropriate Assessments For Weed Abatement."

Any questions or comments can be directed to me at the address and/or telephone number listed above.

Sincerely,


Francis M. Cooney
General Manager



OCEANO COMMUNITY SERVICES DISTRICT
RESPONSE TO GRAND JURY REPORT

SUBJECT: Protection of New Property Owners Against Inappropriate Assessments
For Weed Abatement Costs.

INTRODUCTION

Oceano Community Services District is an entity organized under Government Code section 61600 et seq. Pursuant to Government Code section 61600(d), it has as one of its purposes protection against fire hazard.

Specifically, Government Code section 61623.5 states that Community Services District's wish to abate fire hazards should follow the procedures outlined in Health & Safety Code section 14875 et seq.

OCSD PROCEDURES

As indicated above, Health & Safety Code at part 5 (§14875 et seq.) deal with "Abatement of Hazardous Weeds and Rubbish."

The general procedure followed by the Oceano Community Services District is to have employees under the supervision of the Fire Chief identify those properties which pose a public nuisance because of hazardous weeds. Those properties are posted. A resolution is adopted identifying those properties which have been posted as constituting a nuisance, but which have not been remediated. Health & Safety Code section 14883 requires a description of the subject property to be included with the resolution. Health & Safety Code section 14883 states as follows:

The resolution shall describe the property upon which, or in front of which a nuisance exists by describing the property by reference to the tract, block, lot, code area, and parcel number, as used in the records of the County Assessor or in accordance with the map used in describing the property for taxation purposes. No other description is necessary.

Prior to any hearing the properties are posted pursuant Health & Safety Code sections 14893, 14894 and 14895. Further, notice is published in a newspaper of general circulation not less than 10 days prior to the hearing.

Health & Safety Code section 14912 allows for the collection of the costs of abatement as special assessments on the subject property. This section reads as follows:

"The amount of costs for abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed and the amount of costs incurred by the responsible agency in enforcing the abatement upon parcels, including investigation, boundary determination, measurement, clerical and other costs, shall constitute assessments against the respective parcels of land, and are lien on the property for the amount of the respective assessments. Such lien attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as an ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such assessment, except that if any real property to which a lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement and costs of enforcing abatement, as confirmed, relating to such property shall be transferred to the unsecured roll for collection."

Oceano Community Services District has been following the Health & Safety Code procedures for abatement of hazardous weeds and rubbish for 19 years. Weed abatement has been collected by special assessment and liens on the property for all of those years. To date, the issue regarding a subsequent bona fide purchaser has not been raised by any District resident since the inception of the collection process.

RESPONSE TO SPECIFIC FINDINGS AND RECOMMENDATIONS

INTRODUCTION

At the outset it should be noted that the Grand Jury Report refers to incorrect code sections for the weed abatement process. Specifically, the Grand Jury Report refers to Government Code section 38773.5. Consequently, the references to those sections is erroneous and the analysis is inapplicable to the Oceano Community Services District.

Finding No. 1:

Finding No. 1 is not applicable to Oceano Community Services District. The District is authorized to conduct its abatement procedures pursuant to the Health & Safety code and not the Government Code. The Oceano Community Services District has conscientiously followed the tenets of the Health & Safety Code. This issue has not been raised by any subsequent property owner. When and if the issue is raised Oceano Community Services District will follow the law as set forth in Health & Safety Code section 14912.

Finding No. 2:

No statutory basis is cited for this finding. Oceano Community Services District acknowledges that if it were made aware of an assessment placed on property for abatement purposes, which had subsequently been transferred or conveyed to a bona fide purchaser for value prior to the date of the first installment of that assessment, the District would follow the law as set forth in Health & Safety Code section 14912.

Finding No. 3:

This finding references Government Code section 38773.1 which defines and allows for nuisance abatement liens. A similar code section is not included within the Health & Safety Code. The procedure outlined in Government Code section 38773.1 is a costly and time-consuming mechanism for all parties concerned in terms of responding to this issue. It would in no way make the process easier for either the District or property owner.

As indicated under present District policies if a property owner were to present evidence that they were a subsequent bona fide purchaser and that they became the property owner after the report was given to the County Assessor's office but before the first installment was due, the District would simply cause an assessment to be removed from the property owner's property assessment and placed on the unsecured tax rolls. A maximum of one or two contacts between the District and the property owner would

result. The dispute resolution process is outlined in Health & Safety Code section 14912.

RESPONSE TO RECOMMENDATIONS

Recommendation 1 and 2:

The Oceano Community Services District is not authorized to use Government Code section 38773.5. Consequently, this recommendation is inapplicable to the District. The District follows a procedure which is outlined in the Health & Safety Code section 14875 et seq. Under this procedure notice is provided to the property owner based upon the last and most recent County Assessor's Roll.

The procedures outlined in Recommendations 1 and 2 (a), (b), and (c), raise the costs associated with each assessment. Further, following this recommendation would raise the ultimate costs associated with the process and increase the fees associated with the collection of the charge. All administrative costs and legal costs incurred by the District in terms of the multiple reviews of the assessor's rolls and the service of the liens are added to and become a part of the lien under the procedure recommended by the Grand Jury.

Recommendation No. 3:

As indicated above, following the procedure as outlined in Recommendation No. 3 would be more expensive, more cumbersome, and more time-consuming for both the property owner as well as the District. In the case of the Oceano Community Services District it would cause the personal service of approximately 20 different liens. All administrative and legal costs associated with the placement of those liens would constitute a part of those liens and raise the lien amount substantially.

CONCLUSION

Oceano Community Services District is not authorized to use and consequently does not follow the procedures outlined in Government Code section 38773.5. Instead it follows the procedures outlined in Health & Safety Code section 14875 et seq.

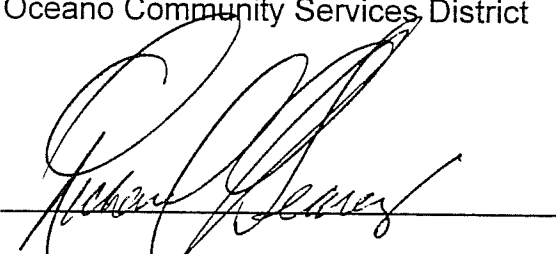
To date, the application of the Health & Safety Code sections by the Oceano Community Services District has not resulted in one instance in which a subsequent purchaser of the property was charged erroneously on the County Tax Collector's Rolls. If this circumstance would arise, the Health & Safety Code provides for an adequate,

quick remedy to the subsequent property owner. If this issue was raised by a subsequent property owner, and that property owner was able to provide satisfactory evidence to the District, the District would cause the assessment to be removed from that owner's property, and the lien would be placed on the unsecured tax roll.

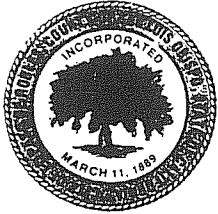
Respectfully submitted,

Oceano Community Services District

Dated: Aug 23, 2000

By: 

Rick Searcy, President
Board of Directors



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

Received
12-20-00

The Honorable E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell - Room 236
San Luis Obispo, CA 93408

December 6, 2000

RESPONSE TO GRAND JURY REPORT REGARDING WEED ABATEMENT PROCEDURES

Dear Judge Burke:

The 1999-2000 San Luis Obispo County Grand Jury reviewed the use of the County's property tax collection system by local agencies for collecting the costs of nuisance abatement, particularly weed abatement. In accordance with Penal Code section 933(c), the City of El Paso de Robles offers the following response.

Findings of the Grand Jury:

- "1. Government Code Section 38773.5 requires abatement costs to be transferred to the unsecured tax roll if the property is transferred to a new owner after the abatement but before the first installment of taxes becomes delinquent. This legal requirement has not been followed by the governmental agencies which use the County for collection of such costs under this statute."

City's Response:

The City has no way of knowing whether other government agencies within the County follow the procedures set forth in Government Code Section 38773.5, and therefore cannot agree or disagree with that finding. Since 1998, the City has not utilized the procedure in that section, and therefore the finding is inapplicable to the City. Since 1998, the City has utilized a procedure in which property owners are sent notices by the Department of Emergency Services (pursuant to the Paso Robles Municipal Code and Section 1103.2.4 of the Uniform Fire Code) to clear weeds and debris. Failure to abate the nuisance results in a citation to the property owner, rather than a lien on the property.

- "2. The primary responsibility for compliance with this statute lies with the agencies which perform nuisance abatements and assess the costs to the property owners."

City's Response:

The City agrees with the finding.

- "3. Use of the provisions in Government Code Section 38773.1 (permitting agencies to recover costs directly from the property owner), in lieu of the *proper* use of Section 38773.5 (permitting agencies to recover costs by using the County property tax system), would be less burdensome for all agencies involved and virtually eliminate risk to new property owners of being charged improperly for weed abatement costs."

City's Response:

The City does not know whether the finding is true or not, and on that basis, cannot agree with it. Because the City does not utilize the provisions of either Government Code Section 38773.1 or 38773.5 for its weed abatement cost recovery, this finding is inapplicable to City.

Recommendations of the Grand Jury

Recommendations 1 and 2 of the Grand Jury apply only to those agencies that use the procedures set forth in Government Code Section 38773.5 to recover weed abatement costs.

City Response to Recommendations 1 and 2

The recommendation will not be implemented because it is not warranted with respect to the City. As explained in the response to Finding No. 1 (above), the City does not utilize the procedure set forth in Government Code Section 38773.5 to recover weed abatement costs. It uses a citation system instead and has not imposed any liens on property since 1998.

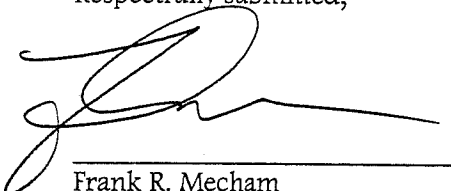
In the alternative, Recommendation 3 of the Grand Jury is for government agencies to use the procedure set forth in Government Code Section 38773.1 to recover weed abatement costs.

City Response to Recommendation 3

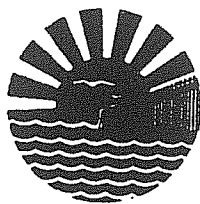
The recommendation will not be implemented because it is not warranted with respect to the City. As explained in the response to Finding No. 1 (above), the City does not utilize the procedure set forth in Government Code Section 38773.5 to recover weed abatement costs. It uses a citation system instead and has not imposed any liens on property since 1998.

Respectfully submitted,

Dated: Dec. 6, 2000



Frank R. Mecham
Mayor



City of Pismo Beach
760 Mattie Road
Pismo Beach, CA 93449
(805)773-4657 Fax: (805) 773-7006

received
9-26-00

September 15, 2000

Hon. E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell - Room 236
County Government Center
San Luis Obispo, CA 93408

RE: Protection of New Property Owners Against Inappropriate Assessments for
Weed Abatement Costs

Dear Judge Burke:

The following is the City of Pismo Beach's response to the 1999-2000 San Luis Obispo County Grand Jury final report regarding Protection of New Property Owners Against Inappropriate Assessments for Weed Abatement Costs:

FINDINGS

1. The respondent disagrees with the finding in that no evidence has been presented nor do City of Pismo Beach records reveal any circumstance in which weed abatement costs have not be levied against the appropriate property owner.
2. The respondent agrees with the finding.
3. The respondent disagrees with the finding in that the provisions of Government Code Section 38773.1 have not been shown to be less burdensome to the City of Pismo Beach than the provisions of Section 38773.5.

RECOMMENDATIONS

1. and 2. During the past five years, the City of Pismo Beach has not experienced any of the problems identified in this report. Furthermore, the City has the ability to mitigate such issues as they might arise. However, the City of Pismo Beach will cooperate and work together with San Luis Obispo County to comply fully with Government Code 38773.5 . The City will also make a diligent effort to delete any charges incurred erroneously on new property owners.

HONORABLE E. JEFFREY BURKE
RESPONSE TO GRAND JURY REPORT
September 15, 2000

Page 2 of 2

3. The City will not be implementing this recommendation since the City is implementing recommendation 1 & 2 as stated above.

If you have any questions or comments, please do not hesitate to contact my office at 773-4657.

Very truly yours,



Michael Fuson
City Manager

cc: Mayor and Councilmembers

SEP 2000
RECEIVED
CITY CLERK



received
F-2-00

July 13, 2000

President

Rosemary Bowker

Vice-President

Pandora Nash-Karner

Directors

Stan Gustafson

Gordon Hensley

Sylvia Smith

General Manager

Bruce S. Buel

Utilities Manager

George J. Milanés

Fire Chief

Bruce D. Pickens

Honorable E. Jeffrey Burke
Judge of the Superior Court
Government Center – Room 236
San Luis Obispo, CA 93408

Attention: Mary O'Donnell

Subject: Response to Grand Jury Report re Weed Abatement Costs

Dear Judge Burke

Please be advised that LOCSD has opted not to submit any weed abatement assessments to the County of San Luis Obispo effective FY00-01. Instead of performing the weed abatement and collecting the actual cost of the service, LOCSD has determined that it will use a citation process to secure property owner compliance with the requirements of law.

LOCSD was created by the voters in November 1998 and did file some 1999 assessments on the FY99-00 roll. In regards to the FY98-99 period under evaluation by the Grand Jury, CSA9 under the governance of the County of San Luis Obispo held operative control for Los Osos Weed Abatement.

Thank you for the opportunity to respond.

Sincerely

Rosemary Bowker
Rosemary Bowker
President of the Board of Directors

CC: Board

Bruce Buel, General Manager

Bruce Pickens, Fire Chief

Offices At:

2122 9th Street

Los Osos, California 93402

Mailing Address:

P.O. Box 6064

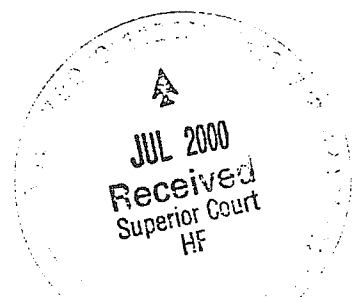
Los Osos, California 93412

Phone 805/528-9370

Fax 805/528-9377

www.losososcscsd.org

Noted. 7/13/00
EJ Burke



Received
3-06-01

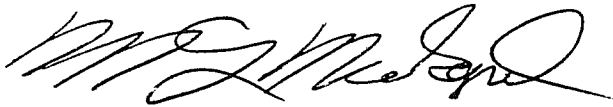
Feb. 6.2001

Honorable Judge E. Jeffery Burke
County Gov. Center
SLO Ca. 93401

Subject: Grand Jury Response

Dear Sir.

Please disregard my last letter of response as I have now had a chance to read the Grand Jury study. Our fire district will continue using Gov. code 38773.5 for recovering cost of weed abatement. I have talked to our Chief and he informs me that he does check County assessment roll records prior to sending any billing to the County Auditor/Controller. As I stated before we are a small district with very few weed abatement billings. Last year we had no billings at all and the year before we had just two. We will make sure that our Chief is informed as to the recommendations 1 and 2 from the Grand Jury and we will follow them.



President, Santa Margarita Fire District Board
Michael L. McGonigal
P.O. Box 973
Santa Margarita, Ca. 93453
(805) 438-5017

△
FEB 2001
Received
Superior Court
10

received

8-9-00

TEMPLETON COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS
Clifford S. Beere, President
John Gannon, Vice-President
Bill Engels, Director
Keith Vreeken, Director
Robert Bergman, Director



STAFF
William Van Orden, General Manager
Laurie Ion, Administrative &
Recreation Supervisor
Richard Dolling, Utilities Supervisor
Greg O'Sullivan, Fire Chief

P.O. Box 780 • 420 Crocker Street • Templeton, California 93465 • FAX (805) 434-4820 • (805) 434-4900

August 2, 2000

Honorable E. Jeffrey Burke
Judge of the Superior Court
c/o Mary O'Donnell, Room 236
County Government Center
San Luis Obispo, CA 93408

Re: Response of Templeton Community Services District to Grand Jury
Report Regarding Protection of New Property Owners Against
Inappropriate Assessments for Weed Abatement Costs

Dear Judge Burke:

This letter will serve as the response of the Templeton Community Services District ("District") to the above-referenced Grand Jury report, which the District received on June 26, 2000 as an enclosure to a letter of that date from Michael A. Clark, Foreman of the 1999-2000 Grand Jury. The District's response is in accordance with Penal Code Section 933.05. The District responds to each of the Findings and Recommendations contained in the report as follows:

FINDINGS

1. Government Code sections 38773.1 and 38773.5 do not apply to the District, but rather apply to cities. The District collects and enforces weed abatement charges pursuant to Government Code section 61623.5 and Health and Safety Code sections 14875, et seq. Health and Safety Code section 14912 is comparable to Government Code section 38773.5. Health and Safety Code section 14912 requires abatement costs to be transferred to the unsecured tax roll if the property is transferred to a new owner after the abatement, but before the first installment of taxes becomes delinquent. The District has no information regarding the degree to which this statute or Government Code section 38873.5 has been followed by other governmental agencies which use the County for collection of such costs. The District has not been informed that Health and Safety Code section 14912 has not been followed with respect to properties within its boundaries.

Honorable E. Jeffrey Burke
Judge of the Superior Court
August 2, 2000
Page 2

2. The District concurs that it has the primary responsibility for compliance with Health and Safety Code section 14912.

3. The District concurs that utilizing Government Code Section 38773.1 or its comparable provision in Health and Safety Code section 14912 for the collection of weed abatement charges may eliminate the risk to new property owners of being charged improperly for such costs; however, the District does not agree that it would be less burdensome for all agencies, as it would make it more difficult for the District to collect and enforce the payment of such charges.

RECOMMENDATIONS

1. & 2. The District concurs that the agencies which use Government Code section 38773.5 or Health and Safety Code section 14912 and San Luis Obispo County should work together to comply fully with these statutes.

a. The District will review County assessment roll records regarding property ownership transfers prior to sending a billing list to the Auditor/Controller for inclusion on the property tax roll, and will consult with a local title company regarding potential property ownership transfers after submitting such billing list to the Auditor/Controller and before the property tax bill is mailed.

b. The District will notify the Tax Collector of any errors in assessment of abatement costs after property tax bills are sent to property owners, so that the errors can be corrected, as soon as the District learns of any such errors.

c. The District will immediately notify new property owners that any assessed abatement charges may be the responsibility of the previous property owner, and do not constitute a lien on the property, depending on the date of the nuisance abatement and the date of property ownership transfer.

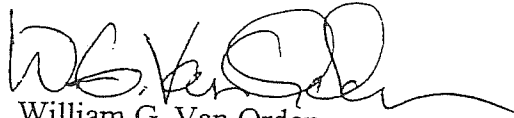
d. The District will review property ownership records on a regular basis to assure costs are being assessed to the property owner who owned the property when the weed abatement occurred.

3. Because the success of collection of weed abatement costs through the use of lien recordation alone is problematical, the District does not propose to pursue this recommendation.

Honorable E. Jeffrey Burke
Judge of the Superior Court
August 2, 2000
Page 3

If you have any questions concerning the above, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'W.G. Van Orden', with a long horizontal flourish extending to the right.

William G. Van Orden
General Manager
Templeton Community Services District

WGV:lai

