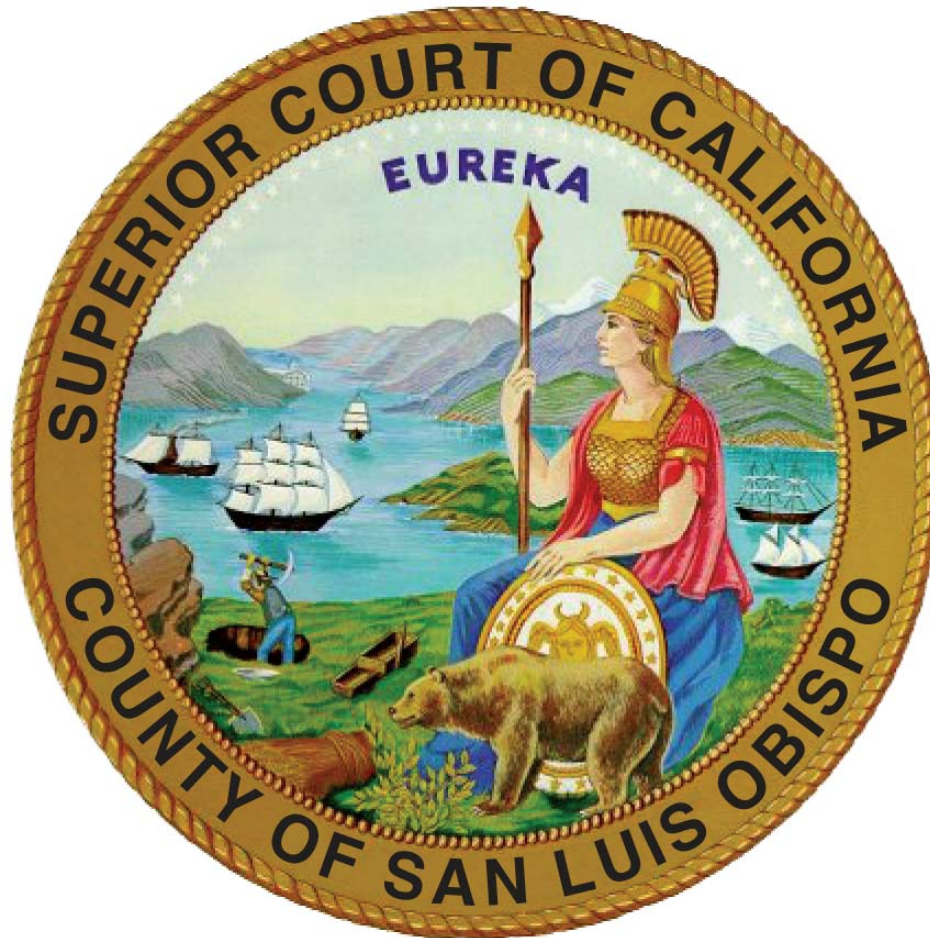


San Luis Obispo County Grand Jury



2007-2008 FINAL REPORT RESPONSES

San Luis Obispo County Grand Jury
P.O. Box 4910
San Luis Obispo, California 93403
Telephone: (805)781-5188
www.slocourts.net/grand_jury

2007-2008 GRAND JURY FINAL REPORT RESPONSES

FOREPERSON'S STATEMENT

The most widely seen and publicized actions of the San Luis Obispo County Grand Jury are the reports of Grand Jury investigations. These investigation reports are provided to the public through press releases and resulting press coverage of the reports, through the widely distributed Final Report of the Grand Jury and through the posting of all investigation reports on the Grand Jury web site (www.slocourts.net/grand_jury). Of equal importance are the required responses to the findings and recommendations of the Grand Jury that are contained in its investigation reports. The required responses to the findings and recommendations in the investigation reports of the 2007-2008 Grand Jury follow this statement.

The San Luis Obispo County Grand Jury is charged with investigating the operation of county, city, special district and joint powers agencies in San Luis Obispo County and with the investigation of conditions for prisoners at the California Men's Colony and at the various jails and lock-ups within the County. The investigation of prison conditions is mandatory but the other investigations are undertaken at the discretion of the Grand Jury and are prompted by both citizen complaints and by the members of the Jury.

While some investigation reports are for information only and make no recommendations, most reports include recommendations and a list of local government agencies that are required to respond to those recommendations. While the Grand Jury can only make recommendations, the California Penal Code provision which requires an agency response to those recommendations assures the citizens of San Luis Obispo County that Grand Jury recommendations are given serious consideration.

As a further check on this process, a subsequent Grand Jury may undertake an investigation to determine the extent to which the promised implementation of recommendations in responses from local government agencies is actually and meaningfully undertaken by such agencies. The Final Report of the 2008-2009 Grand Jury will include reports on the actual implementation of prior Grand Jury recommendations which local government agencies had previously promised to implement.

Brandt Kehoe, Foreperson
2008-2009 San Luis Obispo County Grand Jury

TABLE OF CONTENTS

INTRODUCTION:

FOREPERSON'S STATEMENT	2
TABLE OF CONTENTS.....	3

INVESTIGATIVE REPORTS:

1. NACIMIENTO WATER PROJECT	5
2. CLOSURE OF COUNTY'S GENERAL HOSPITAL	7
3. WASTE MANAGEMENT IN SAN LUIS OBISPO COUNTY	28
4. EMERGENCY ALERT RADIOS	29
5. PISMO BEACH POLICE DEPARTMENT ACCREDITATION.....	33
6. SANTA MARGARITA ROAD PROJECT (ATASCADERO)	34
7. THE FOOD BANK COALITION OF SLO COUNTY	40
8. BUILDING PERMITS	41
9. HOW PREPARED IS YOUR SCHOOL?	62
10. WHERE CAN I PARK MY MOTORCYCLE?.....	63
11. IT'S NOT YOUR GRANDFATHER'S FIRE DEPARTMENT	83
12. ANIMAL SHELTER SERVICES – WHAT'S GOING ON.....	88

PRISONS, JAILS & LOCAL LOCK-UPS:

13. REVIEW OF LAW ENFORCEMENT INSPECTIONS.....	98
14. CALIFORNIA MEN'S COLONY FROM THE INSIDE	99
15. SAN LUIS OBISPO COUNTY JAIL.....	100
16. SHORT TERM HOLDING CELLS	101

INVESTIGATIVE REPORTS

1. NACIMIENTO WATER PROJECT

FINDINGS

1. This is the largest public works project ever attempted in San Luis Obispo County. The size and complexity of the project requires a great deal of dedication and technical ability. Throughout its investigation, the Grand Jury was impressed by the capabilities and professionalism of those involved in the project's planning and implementation.
2. Due to the current economic environment, the project was able to award four of its five major construction contracts for less than the original cost estimates. This saves the project almost \$16 million.
3. Even with the savings noted in Finding #2, the currently projected overall project cost has increased approximately 19% from the project's original 2004 budget projection.
4. While the project is important in addressing the short term needs of the participating agencies, it is not a permanent solution. All local governments in the County will need to develop long term strategies to address future water needs and threats to current supplies. The Jury found that many of the existing water resource planning documents are outdated.
5. Many consumers will be facing significant water rate increases to pay for the project's construction and ongoing operation and maintenance. Most of the agencies involved in the project will be combining project costs with costs for their current water systems. Over time, it may be difficult for consumers to identify which portion of their water bill is being used to actually fund the project.
6. The project may have "growth inducing" effects and the governing bodies for the participating agencies will have to recognize and address this potential.
7. The project will have to use eminent domain to acquire portions of the necessary right-of-way. Project managers will have to address citizen resentment inherent in this legal process to avoid the potential for project delays.

RECOMMENDATIONS

1. Because this project only addresses the area's short term water requirements, the County and other participating agencies should frequently review and update their strategic water resource plans. These plans also need to address the "growth inducing" effects of increasing available resources. (Findings #4 & #6)
2. For customers to adequately evaluate the advantages and costs of projects like this one, participating agencies should insure that their water customers can readily identify which portions of their utility bills are attributable to the project. (Finding #5)

REQUIRED RESPONSES

Responses to Recommendations #1 & #2 are required from:

- City of San Luis Obispo, Mayor and City Council
- City of Paso Robles, Mayor and City Council
- Templeton Community Services District (CSD), CSD Board of Directors
- City of Atascadero, Mayor and City Council
- San Luis Obispo County, Board of Supervisors

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

B.K

(1) DEPARTMENT Administrative Office		(2) MEETING DATE July 15, 2008		(3) CONTACT/PHONE Vincent Morici (805) 781-5020	
(4) SUBJECT Submittal of Board of Supervisors' recommended responses to a Grand Jury Report on the Nacimiento Water Project.					
(5) SUMMARY OF REQUEST The Grand Jury released a report on the Nacimiento Water Project on May 13, 2008. The Grand Jury has directed the Board of Supervisors respond to the two recommendations in the report. The attached Board letter proposes responses to the recommendations in the Grand Jury Report.					
(6) RECOMMENDED ACTION It is recommended that your Board approve the proposed responses as the Board of Supervisors' response to the Grand Jury Report on the Nacimiento Water Project and forward the responses to the Presiding Judge of the Superior Court and the Grand Jury.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): The Department of Public Works contributed to the information used to develop the recommended response.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) 19000557			(21) W-9 <input type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW <i>RMC</i>					

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM D430 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



To: Board of Supervisors

From: Vincent Morici, Administrative Analyst

A handwritten signature in black ink, appearing to read "Vincent Morici", is written over the printed name.

DAVID EDGE
COUNTY ADMINISTRATOR

Date: July 15, 2008

Subject: Responses to 2007-2008 Grand Jury Report dealing with the Nacimiento Water Project.

RECOMMENDATION

The Board of Supervisors adopt the following recommended responses to the 2007-2008 Grand Jury Report on the County Nacimiento Water Project and forward these responses to the Presiding Judge of the Superior Court and the Grand Jury.

DISCUSSION:

The Grand Jury issued a report on May 13, 2008 dealing with the Nacimiento Water Project that identified a total of seven findings and two recommendations (see attached Grand Jury report). The Grand Jury has directed that the Board of Supervisors respond to the two recommendations in the report. The Grand Jury has also required that the City of San Luis Obispo, City of Paso Robles, the Templeton Community Services District and the City of Atascadero provide responses to the report findings. The other agencies will send their responses directly the Presiding Judge of the Superior Court. The Grand Jury did not require responses to the seven findings in this report.

The County Public Works Department is the organization that has coordinated and managed the Nacimiento Water Project. Public Works has assisted staff with the development of the recommended Board response. The Public Works Department was not required to provide a separate response to the report

The recommendations of the Grand Jury report are shown below, followed by the recommended Board of Supervisors' response.

Grand Jury Recommendation #1

Because this project only addresses the area's short term water requirements, the County and other participating agencies should frequently review and update their strategic water resource plans. These plans also need to address the growth inducing effects of increasing available water resources. (Findings #4 and #6).

Board of Supervisors Response #1

Contracts for Nacimiento Water with the participating agencies subscribe a total 9,655 acre feet per year of the 15,750 acre feet per year available. Consequently, just over 60% has been subscribed, which includes long term requirements for some of the agencies, and nearly 40% is still available for other long term water requirements. Consistent with the Grand Jury's recommendations, the County and the participating agencies do update their

water master plans. California regulations require updates to Urban Water Management Plans every five years by the participating agencies. In addition, the County has recently updated its Integrated Regional Water Management Plan (IRWMP) in accordance with guidelines established by the State Water Board and the Department of Water Resources and is underway in preparing a Countywide Master Water Plan, which will be a component of a future IRWMP update. (An IRWMP includes more than water supply and demand evaluations; it also includes flood control, ecosystem restoration, and other water-cycle analysis). These plans include population estimates, and projects identified in those plans will require environmental analysis, including "growth inducing" effects, as required by the California Environmental Quality Act (CEQA). The Grand Jury recommendation is partially implemented through the development of the IRWMP, and is fully implemented at the time individual projects are considered.

Grand Jury Recommendation #2

For customers to adequately evaluate the advantages and costs of projects like this one, participating agencies should insure that their water customers can readily identify which portions of their utility bills are attributable to the project. (Finding #5)

Board of Supervisors Response #2

The details that participating agencies illustrate on their water bills is a discretionary decision of the participating agencies and does not fall within the responsibility or authority of the County with the exception of County Service Area 10A in Cayucos.

The San Luis Obispo County Board of Supervisors does govern County Service Area 10A (CSA-10A), which currently has an allocation of 25 acre feet per year of water from the Nacimiento Water Project. Capital costs related to this allocation totaled \$547,278 and were funded from reserves. The reserves will be restored through connection fees charged for new development. Therefore, no capital costs will be charged to water customers on their utility bills. Once water deliveries begin, total operation and maintenance costs related to the annual allocation of 25 acre feet of Nacimiento water provided to CSA-10A are estimated to be \$9,821 annually. This amount represents approximately 2% of the current operating budget for County Service Area 10A. The amount that would be attributable to Nacimiento water is so small that it does not warrant a separate line item on water customers' utility bill.

OTHER AGENCY INVOLVEMENT

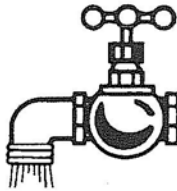
The County Administrative Office developed the recommended response after discussions with the staff in the Public Works Department.

FINANCIAL CONSIDERATIONS

There are no additional financial considerations associated with the implementation of the recommended responses to the Grand Jury as these are already a part of department and program budgets.

RESULTS

Adoption of the findings and recommendations will fulfill the County's obligation to respond to Grand Jury reports as specified in Section 933 of the Penal Code.



5005 EL CAMINO REAL • P.O. BOX 6075 • ATASCADERO, CA 93423 • (805) 466-2428

BK.

Atascadero Mutual Water Company

ESTABLISHED 1913

June 11, 2008

Presiding Judge Martin J. Tangeman
San Luis Obispo County Superior Court
1035 Palm Street, Room 385
San Luis Obispo, CA 93408

MJT
6/16/08

Re: Response to Grand Jury Report – Nacimiento Water Project

Your Honor:

Although not identified as a responding party in the 2007/2008 San Luis Obispo County Grand Jury Report on the Nacimiento Water Project, Atascadero Mutual Water Company (AMWC), as one of the major participants in the project, provides the following response to Recommendations 1 and 2 contained in the report.

With respect to Recommendation 1, AMWC's decision to participate in the Nacimiento Water Project (NWP) was in large part based on land use decisions made by the City of Atascadero and the County of San Luis Obispo within its service area. The city and county have discretionary authority over these land use decisions. By the appropriate use of this authority, the city and county can mitigate any potential growth-inducing impacts that might be created by AMWC's participation in the NWP. As the decision making entities, the City of Atascadero and the County of San Luis Obispo are better able to respond to Recommendation 1 in the report.

With respect to Recommendation 2, the AMWC Board of Directors considered several rate-adjustment options and decided that it did not wish to pass the cost of developing new water resources onto existing rate payers. AMWC funds the cost of developing all new water resources, including the NWP, through fees charged when new customers connect to its system (i.e. connection fees). The cost for operating and maintaining the facilities required for producing and treating the water is borne by all of AMWC's rate payers in relation to the amount of water consumed. AMWC views water from the NWP no differently than its other water resources. AMWC has advised its shareholders of the rate increases associated with the NWP, and other water resource development projects, in several newsletters, press releases, and billing notices issued both before and after AMWC entered into the agreement with the county to participate in the NWP. AMWC does not believe there would be any significant benefit of

separating the costs associated with the NWP from its other water production costs on its monthly water bills.

Respectfully submitted,

Atascadero Mutual Water Company

By


Robert M. Jones, President

cc: San Luis Obispo County Grand Jury



B.K

CITY OF ATASCADERO

June 23, 2008

The Honorable Martin Tangeman
Superior Court of California
1035 Palm Street, Room 385
San Luis Obispo, CA 93408

Dear Judge Tangeman:

RE: City of Atascadero's Response to the 2007/2008 San Luis Obispo County Grand Jury Report – Nacimiento Water Project – Water From "The Dragon"

This letter is in response the Grand Jury's May 14, 2008 letter from Maryellen R. Simkins requesting the City's response to Recommendation #1 of the Nacimiento Water Project report. City staff has researched the recommendation and the related issues, and respectfully offers the following response:

The issues of development and growth are controlled by the City of Atascadero's 2025 General Plan which was adopted on June 25, 2002. The General Plan is commonly understood to be the blueprint for the future growth and expansion of a city. California Government, Code Section 65300 requires each city to adopt a comprehensive General Plan, and since 1971, the Legislature has required all zoning and subdivision approvals to be consistent with the General Plan.

The City of Atascadero's General Plan Update process began in 2000 and involved all seven mandatory General Plan Elements and included the preparation of an Environmental Impact Report (GPEIR) as required by the California Environmental Quality Act (CEQA). The EIR included an analysis of water supply and water demand at buildout of the General Plan. This analysis was completed in conjunction with the Atascadero Mutual Water Company (AMWC) which is a separate entity from the City and is responsible for providing water throughout the City and surrounding areas. Consistent with Section 15083.5 of CEQA, AMWC prepared an assessment of the General Plan Update's impact on existing water supplies. AMWC estimated the total City water demand at buildout of the General Plan to be 10,635 acre-feet per year (AFY). The perennial yield from the Atascadero Groundwater subbasin is estimated to be 16,500 AFY and the AMWC has rights to pump an additional 3,040 AFY from the Salinas River underflow. Combined, these sources provide for a total perennial yield of 19,540 AFY. AMWC estimates that demand outside of the City at buildout will range from 5,400 AFY to 9,400 AFY. Therefore,



CITY OF ATASCADERO

June 23, 2008
Page 2 of 6

the buildout of the Atascadero General Plan and the surrounding areas will put the groundwater resources at or beyond maximum capacity.

The GPEIR identified impacts on groundwater supply as a significant and unavoidable impact. The City adopted a Statement of Overriding Considerations along with a number of feasible mitigation measures to reduce this impact to the extent possible. The GPEIR also identified the need for an updated Urban Water Management Plan (UWMP) as required by Senate Bill 610. The AMWC adopted the UWMP in 2005 and that plan identified the Nacimiento Water Project as an important source of additional water. The UWMP identifies the purpose of the 2000 AFY of Nacimiento water as necessary to supplement groundwater supplies and provide an alternative source of water in dry years, or in case of an emergency.

The GPEIR also included an analysis and mitigation measures requiring compliance with Senate Bills 221 and 610. These Senate Bills work together and provide a process that requires new development projects to identify long term water supplies prior to approval (see attached flow-charts). Large future projects such as the Eagle Ranch Annexation will be required to follow the provisions of SB 221 and 610 to identify and secure a permanent water source prior to development. The City of Atascadero and the AMWC have already begun discussions regarding this process.

As part of the environmental review process for large projects, an assessment of the cumulative impacts and potential growth inducing impacts will be analyzed. Based on the 2025 General Plan, the 2000 AFY of water AMWC receives from the Nacimiento Project will likely not have a growth inducing effect, but rather will accommodate growth that has already been planned.

Projects Subject to SB 221 and 610

Water Code Section 10912

For the purposes of this part, the following terms have the following meanings:

- (a) "Project" means any of the following:
- (1) A proposed residential development of more than 500 dwelling units.
 - (2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
 - (3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.
 - (4) A proposed hotel or motel, or both, having more than 500 rooms.
 - (5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.
 - (6) A mixed-use project that includes one or more of the projects specified in this subdivision.



CITY OF ATASCADERO

June 23, 2008
Page 3 of 6

(7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

(b) If a public water system has fewer than 5,000 service connections, then "project" means any proposed residential, business, commercial, hotel or motel, or industrial development that would account for an increase of 10 percent or more in the number of the public water system's existing service connections, or a mixed-use project that would demand an amount of water equivalent to, or greater than, the amount of water required by residential development that would represent an increase of 10 percent or more in the number of the public water system's existing service connections.

Water Code section 10910

(b) The city or county, at the time that it determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration is required for any project subject to the California Environmental Quality Act pursuant to Section 21080.1 of the Public Resources Code, shall identify any water system that is, or may become as a result of supplying water to the project identified pursuant to this subdivision, a public water system, as defined in Section 10912, that may supply water for the project. If the city or county is not able to identify any public water system that may supply water for the project, the city or county shall prepare the water assessment required by this part after consulting with any entity serving domestic water supplies whose service area includes the project site, the local agency formation commission, and any public water system adjacent to the project site.

Thank you for providing the City of Atascadero with the opportunity to respond to the Grand Jury's report. I can be reached at 470-3400 if I can be of assistance, or you have any questions for me. For technical questions regarding the City's development process, I would suggest you contact Warren Frace, Community Development Director at 470-3488.

Sincerely,

Mike Brennler
Mayor

Attachment: SB 221 and 610 flowcharts

cc: San Luis Obispo County Grand Jury
John Neil, AMWC
W. McKinney
W. Frace
S. Kahn
B. Pierik
S. McHarris



CITY OF ATASCADERO

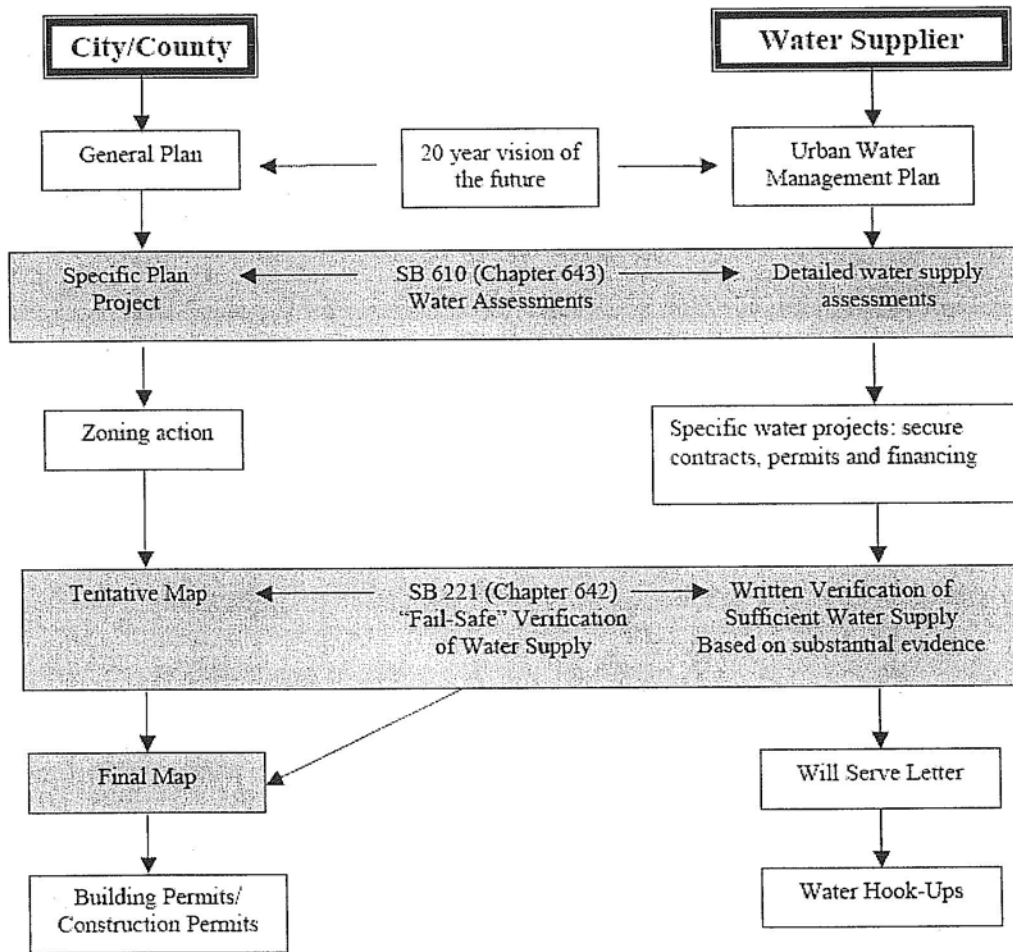
June 23, 2008
Page 4 of 6

Attachment: SB 221 and 610 flowcharts

Senate Bill 610 and Senate Bill 221

Two laws that integrate land use and water planning

The following chart illustrates the relationship between a local land use agency and a water supplier in their planning processes. The General Plan, prepared by a City or County Planning Department, and the Urban Water Management Plan prepared by a Water Supplier are the critical source documents used to substantiate the information required by SB 610 and SB 221 at the local level.



For additional information on either the *California Environmental Quality Act* or General Plan Guidelines, please refer to the publications available from the Governor's Office of Planning and Research at: www.opr.ca.gov.

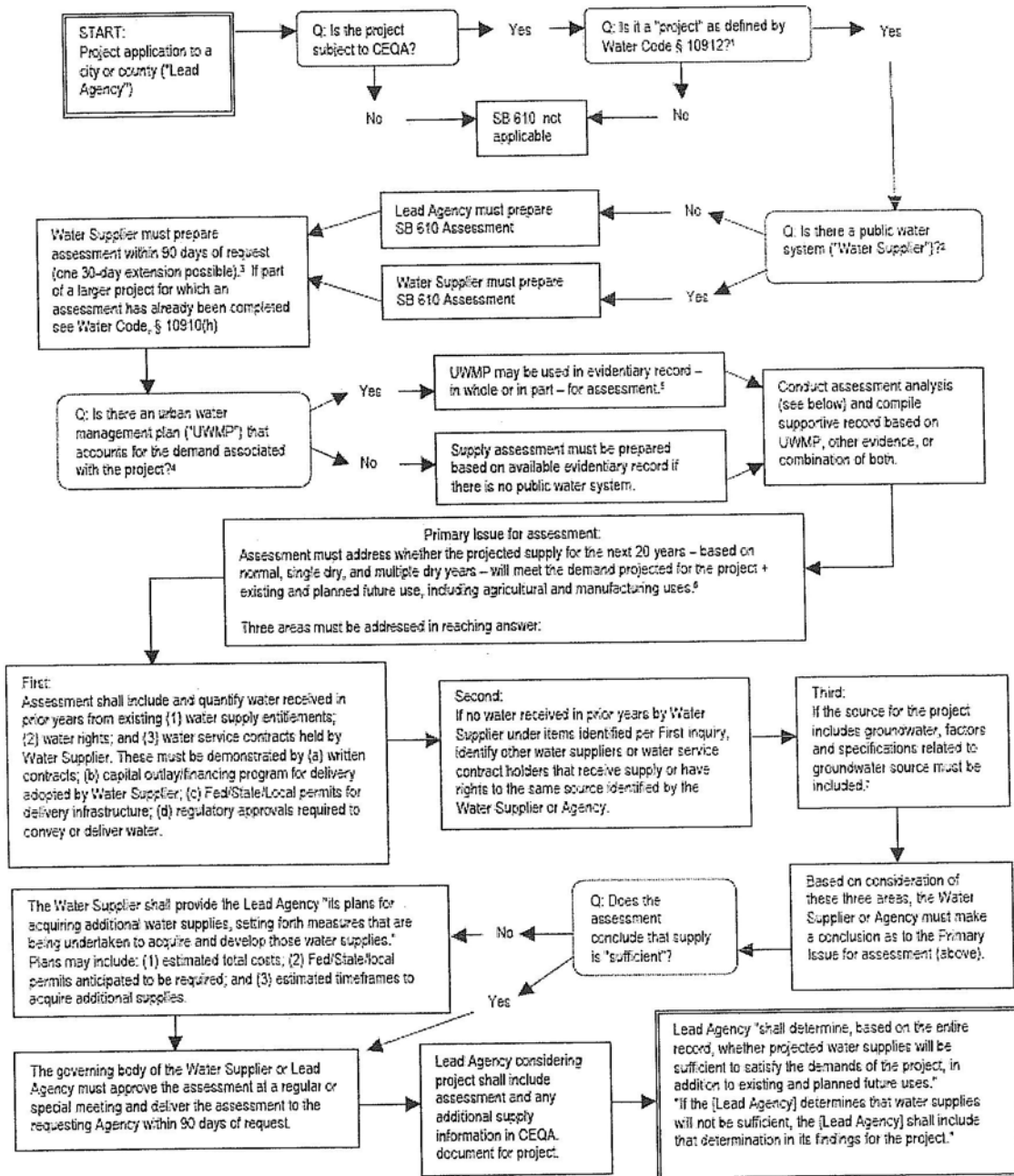
For information and guidance related to the *Urban Water Management Planning Act*, please refer to the Department of Water Resources, Office of Water Use Efficiency available at: <http://www.owue/>.



CITY OF ATASCADERO

June 23, 2008
Page 5 of 6

SB 610 Flowchart

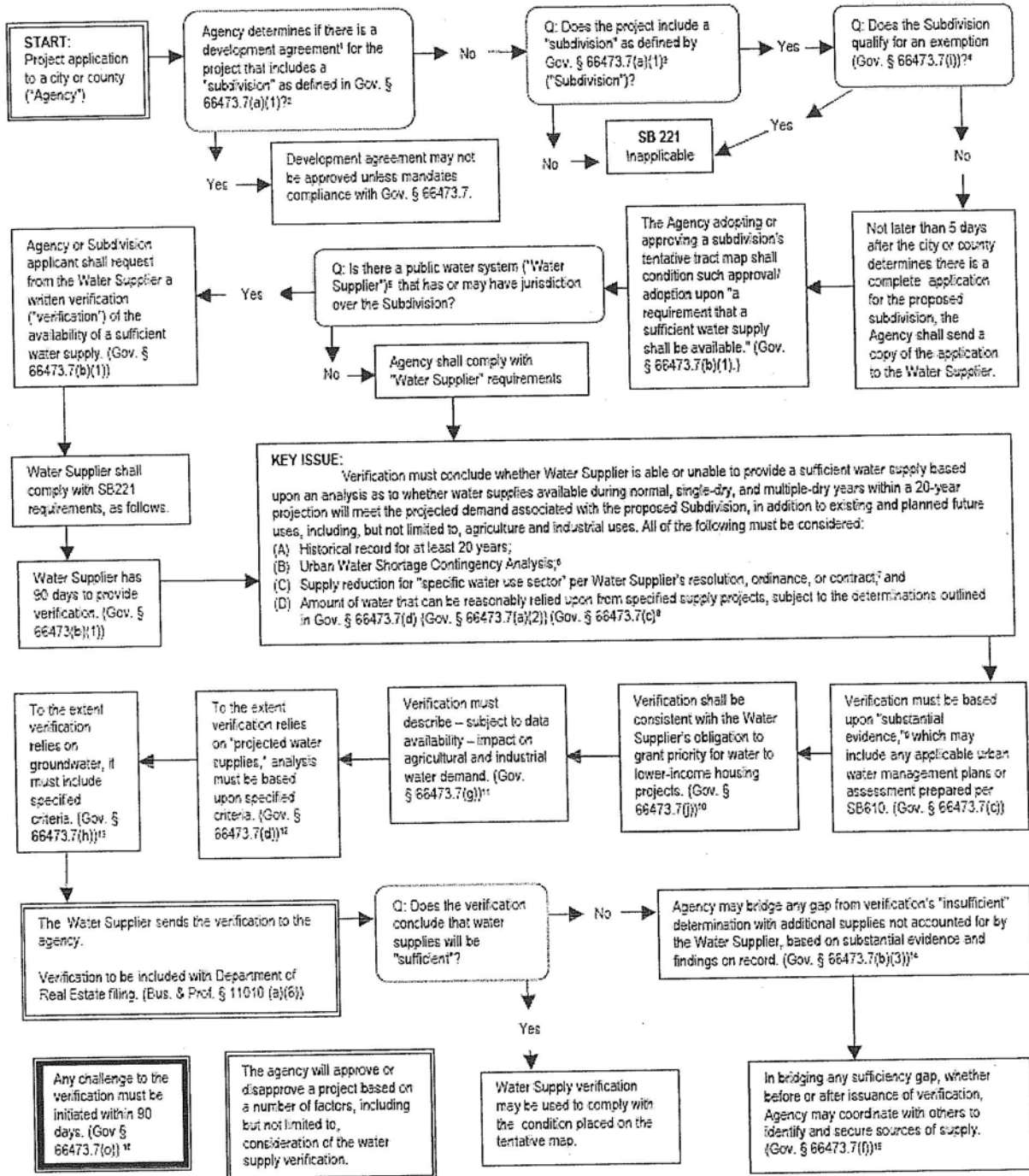




CITY OF ATASCADERO

June 23, 2008
Page 6 of 6

SB 221 Flowchart



BK



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

OFFICE OF THE
MAYOR

July 24, 2008

Presiding Judge Martin Tangeman
Superior Court of California
1035 Palm, Room 385
San Luis Obispo, CA 93408

Response to 2007-08 Grand Jury Recommendations Nacimiento Water Project - Water from the Dragon

The City of el Paso de Robles received the 2007-08 Grand Jury report entitled "Nacimiento Water Project - Water From 'The Dragon'" and is responding to the recommendations.

First, let me express my appreciation for the Grand Jury's interest in, and commendation of, this important public works project. Nacimiento's potential to contribute to the region's water supply dates back nearly five decades. It is rewarding to see its delivery system finally under construction.

The report mentioned the possibility that actual project costs may change during construction. That is a possibility. For this reason, the Nacimiento Project Commission established a project budget that includes over \$25 million in contingencies¹, not the \$12 million mentioned on Page 7 of the report.

Regarding the project schedule, the Commission is advised that it is highly unlikely that right-of-way appeals could "delay project completion". The District has rights of possession on affected properties and is proceeding with construction.

The Grand Jury report suggests that urban population growth threatens water supply. In the Paso Robles Ground Water Basin, agricultural use accounts for 70% of all water use. While urban planning certainly impacts water resources, crop patterns, production acreage, and irrigation application play a far greater role in regional water resource balance.

Responses to the two Grand Jury recommendations:

1. *Because this project only addresses the area's short term water requirements, the County and other participating agencies should frequently review and update their strategic water resource*

¹ \$11.1 m construction phase contingency + \$4.5 million environmental contingency + \$10 million construction contract change order budget + \$0.5 million professional services and management contingency

plans. These plans also need to address the "growth inducing" effects of increasing available resources.

Nacimiento water is part of a long-term comprehensive strategy to build a community water portfolio that will sustain Paso Robles into the future. It will reduce basin pumping for a time during which the City will partner with the County, agriculturalists, and others in developing a cooperative groundwater basin management plan. The goals of that plan will be (1) maintain ground water levels, (2) protect ground water quality, and (3) provide a framework for improved ground water management to ensure long-term ground water supply reliability. These initiatives are the result of thoughtful, thorough, exhaustive and continuing study including:

- Paso Robles Groundwater Basin Study, 2002 by Fugro West
- City General Plan Update, 2003
- Water Quality Strategy, 2003 by Malcome Pirnie;
- City Water Resource Goals, 2004;
- Nacimiento Water Project, 2004;
- Paso Robles Groundwater Agreement, 2005 with Rural Agricultural interests (P.R.I.O.R.) and the County;
- Water Source Evaluation, 2006 by Boyle Engineering Corp.;
- Recycled Water Study Update, Sept 2006 by Boyle Engineering Corp.;
- Potable Water Distribution System Master Plan, 2007 by Boyle Engineering Corp.;
- Integrated Water Resource Plan, 2007 by TJ Cross Engineers;
- Urban Water Management Plan, 2008 by Todd Engineers.

Going forward, the City is receiving a \$208,000 State grant to develop a basin management plan in partnership with the County. Additionally, the City is preparing its wastewater systems for water recycling – Paso Robles next addition to its water portfolio.

Growth inducing effects of the Nacimiento Water Project were addressed in the Project Environmental Impact Report, and certified by the District Board of Supervisors in January 2004. Changes in deliveries beyond those addressed in the 2004 EIR would be done in compliance with the California Environmental Quality Act and other regulations. And, updates of the City's General Plan include analysis of the growth inducing impacts of water.

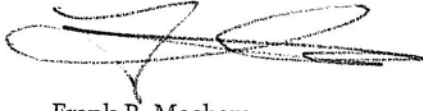
2. *For customers to adequately evaluate the advantages and costs of projects like this one, participating agencies should insure that their water customers can readily identify which portions of their utility bills are attributable to the project.*

Page 3

Paso Robles' water bills identify the charges attributable to the Nacimiento Water Project.

Again, we appreciate the Grand Jury's input on the Nacimiento Water Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank R. Mecham', written over a horizontal line.

Frank R. Mecham
Mayor

Copy: City Council
City Manager

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P.O. BOX 780 • 420 CROCKER STREET • TEMPLETON, CA 93465 • (805) 434-4900 • FAX: (805) 434-4820

July 17, 2008

Presiding Judge Martin Tangeman
Superior Court of California
1035 Palm, Room 385
San Luis Obispo, CA 93408

Re: Templeton Community Services District's Response to Recommendations of the
San Luis Obispo County Grand Jury Respecting the Nacimiento Water Project

Dear Judge Tangeman:

On behalf of the Board of Directors of the Templeton Community Services District (TCSD), I am providing this response to the recommendations of the San Luis Obispo County Grand Jury concerning its report on the Nacimiento Water Project (Project). The Grand Jury made two recommendations and requested that TCSD respond to each. The two recommendations and TCSD's responses thereto are set forth below.

A. RECOMMENDATION 1

Because this project only addresses the area's short-term water requirements, the County and other participating agencies should frequently review and update their strategic water resource plans. These plans also need to address the "growth inducing" effects of increasing available resources.

TCSD currently has approximately 2,570 water service connections, including residential and non-residential connections, and has an annual water supply demand of about 1,572 acre-feet of water. As a consequence, TCSD is not required to prepare an Urban Water Management Plan pursuant to the provisions of California Water Code sections 10610, *et seq.* Nevertheless, TCSD adopted a Water System Master Plan Update in November of 2005, which addresses its existing and projected future water demands, existing water supplies and needed future supplies to meet projected demand at build-out within the Templeton community, and the adequacy of existing

Presiding Judge Martin Tangeman

July 17, 2008

Page 2

water facilities and recommended capital improvements to meet such demands. A copy of the plan is attached for your information. TCSD plans to update its Water System Master Plan during the 2008-2009 fiscal year. The updated plan will respond to the Grand Jury's recommendation.

B. RECOMMENDATION 2

For customers to adequately evaluate the advantages and costs of projects like this one, participating agencies should ensure that their water customers can readily identify which portions of their utility bills are attributable to the project.

TCSD intends to allocate its water supply purchased from the Project (250 acre-feet per year) to new development as approved by the County for the Templeton community. As a consequence, TCSD plans to fund its share of the capital costs of the Project through its hook-up or connection fees charged to new customers. TCSD is presently having a consultant review its existing hook-up or connection fees and make recommendations on revising such fees to ensure that they will generate the revenue needed to fund TCSD's share of the Project's capital costs and ensure that each new connection will bear its appropriate proportionate share of such costs. Any bill to a new customer for hook-up or connection fees will depict the portion of such fees attributable to the Project. Existing water customers will not be responsible for any portion of the District's share of the Project's capital costs.

TCSD's share of the operation and maintenance costs of the Project will be funded through water service charges. The consultant who is presently reviewing TCSD's hook-up or connection fees also will be reviewing TCSD's water service rate structure this fall and will be making recommendations on revising such rate structure so that TCSD will generate sufficient revenues to meet its share of the operation and maintenance costs of the Project. In response to Recommendation 2, TCSD will depict on its bills for water service charges any amount of such charges attributable to the Project's operation and maintenance costs.

The Board of Directors of TCSD appreciates the opportunity to provide the above responses. If you have any questions or need further information, please do not hesitate to contact me.

Sincerely yours,

William G. Van Orden
Acting General Manager

WVO:lai

cc: San Luis Obispo County Grand Jury

Presiding Judge Martin Tangeman
July 17, 2008
Page 3

P.O. Box 4910
San Luis Obispo, CA 93403



city of san luis OBISPO

OFFICE OF THE CITY COUNCIL
990 Palm Street ■ San Luis Obispo, CA 93401-3249 ■ 805/781-7119

July 2, 2008

Presiding Judge Martin Tangeman
Superior Court of California
1035 Palm Street, Room 385
San Luis Obispo, CA 93408

Subject: Grand Jury Report - Nacimiento Water Project

Dear Judge Tangeman:

This letter is in response to issues raised in the 2007/08 San Luis Obispo County Grand Jury Report on the Nacimiento Water Project: "Water from the Dragon". The report commended the participating governmental agencies, project staff and consultants for their work thus far on this very challenging project. The Grand Jury Report required a response to two recommendations in the report. The questions raised by the Grand Jury and our agencies response to each are presented in the following sections.

- A. *"Because the project only addresses the area's short term water requirements, the County and other participating agencies should frequently review and update their strategic water resource plans. These plans also need to address the "growth inducing" effects of increasing available water resources."*

Response: The City of San Luis Obispo agrees that water management and water supply planning are fundamental to a healthy community. Resource considerations must be an integral part of a community's long range vision, as such, the City consistently reviews and updates many plans and documents relative to water resource issues. City staff annually provide the City Council with a Water Resources Status Report that focuses on five specific areas: Existing Water Supply Status, Multi-Source Water Supply Projects, Water Conservation Programs, Water Supply Strategy to Meet Future Needs, and Projected Water Supply Situation. This report is very extensive and provides an annual review on the water resources required to meet City needs.

In addition, the City has an adopted Urban Water Management Plan (UWMP) and a Water Management Element to the General Plan that contain specific policies relative to water resource planning and water available for development. The Urban Water Management Plan must be updated every five years and the plan is submitted to the State per their requirements. Chapter 2 of the UWMP contains the policies that are the basis for the Water Management Element (WME) to the General Plan.

In response to the issue of growth inducing impacts, the water identified from the Nacimiento Water Project will meet the water demand at build-out as identified in the City's General Plan and meet "secondary water supply" requirements as identified in the WME. The growth inducing impacts were evaluated during the update of the General Plan and related Elements.

- B. *"For customers to adequately evaluate the advantages and costs of projects like this one, participating agencies should insure that their water customers can readily identify which portions of their utility bills are attributable to the project."*

Response: The City of San Luis Obispo agrees that it is important for our customers to understand and appreciate the costs of providing water service to the community. The City provides cost information (including the costs for Nacimiento) to our customers in a variety of ways. Our annual water fund analysis provides a detailed breakdown of all of the revenues and expenses that dictate the necessary water rates. In addition, the City Utilities Department provides a quarterly newsletter to all customers and information relative to the Nacimiento Project has been included in numerous articles over the past years. Also with the recent passage of Proposition 218, a separate notification is sent to all customers to clearly identify what the proposed rate increases will mean to our customers.

In response to the Grand Jury's specific recommendation to display the cost broken out for Nacimiento on individual water bills, the City does not feel this is either desirable or feasible for three primary reasons.

1. In the City's annual water fund analysis, the Utilities Department staff prepare a projection of costs for a minimum of four years into the future. This is done to identify future major capital expenses and moderate necessary rate increases on an annual basis. As such, based on the future costs associated with the Nacimiento Project, the City is projecting annual rate increases over several years to fully pay for the costs of the Nacimiento Project as well as the increasing costs associated with operations and maintenance of our complex water system. Attempting to breakout the cost for Nacimiento at any point in time would not necessarily reflect the complete costs for Nacimiento.
2. The City's water rate structure is 100% commodity based. As such, customers only pay for the amount of water actually used and there are no fixed fees in our rate structure. The City has a three tiered rate structure for single family residential customers and a two tier rate for all other customers. With this "commodity based" rate structure it would be difficult to show that portion of the customer's variable bill that was attributable to the Nacimiento Project.
3. The City has a "Multi-Source Water Supply" policy in our Water Management Element of the General Plan as shown below:

CITY OF SAN LUIS OBISPO

Grand Jury Response

Page 3

“The City shall continue to develop and use water resources projects to maintain multi-source water supplies, and in a manner, reduce reliance on any one source of water supply and increased its supply options in future droughts or other water supply emergencies.”

The City of San Luis Obispo has various water supply sources to meet our current as well as future needs. The City’s water resources currently include water from Salinas Reservoir (Santa Margarita Lake), Whale Rock Reservoir, groundwater, and recycled water from our Water Reclamation Facility. Our water rates do not separate the costs for the various water supplies available to the City. Our water rates are based on a blended cost for all supply sources and costs for operation and maintenance of the water system. The City does not believe it is desirable to provide a separate cost on the water bills associated with the Nacimiento Project.

I hope this adequately response to the questions and recommendations raised in the County Grand Jury Report on the Nacimiento Water Project: “Water from the Dragon”. I appreciate the Grand Jury’s time to investigate and report on the Nacimiento Project. As they have discovered, water supply is a critical and complex subject that should be constantly on the minds of elected officials and those staff serving the public.

Sincerely,



David F. Romero
Mayor

c: ~~San Luis Obispo County Grand Jury~~
Gary Henderson
John Moss
Jonathan Lowell

2. CLOSURE OF COUNTY'S GENERAL HOSPITAL

CONCLUSIONS

The San Luis Obispo County Board of Supervisors closed General Hospital in 2003 and subsequently all the county medical clinics in 2004. The results of these closures have been reviewed by the 2007/2008 County Grand Jury. The County has saved on average more than \$3.5 million for each year the clinics and hospital have been closed. Significant improvement in medical care for county patients has occurred since the County contracted out its health care responsibilities to the private sector.

The Grand Jury believes the results of its investigation support the decisions of the Board of Supervisors to close these facilities. Patient care has improved and the County has saved significant resources.

NO RESPONSES REQUIRED

3. WASTE MANAGEMENT IN SAN LUIS OBISPO COUNTY

COMMENDATION

The Grand Jury would like to commend the individuals whom we interviewed. It is our opinion, from those interviews and from materials we have obtained from the landfill managers and from county and state agencies, that waste management in San Luis Obispo County is operating effectively. All interviewees reflected competence, pride in their work, and an involvement in the larger questions of waste management and the environment for the future.

NO RESPONSES REQUIRED

4. EMERGENCY ALERT RADIOS

FINDING

1. The National Weather Radios provide a valuable extension of the existing alert system, cover a wide variety of emergencies, and are operable throughout the county. This possibility is, however, not well known and deserves wider publication.

RECOMMENDATION

2. The OES should revise its alert information included in the telephone directory and other brochures and presentations to include NOAA Weather Radios. The OES should also encourage PG&E to include information on these radios in its public information about emergencies at Diablo Canyon Power Plant.

REQUIRED RESPONSES

- Director, Office of Emergency Services
- Board of Supervisors, San Luis Obispo County

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office		(2) MEETING DATE July 15, 2008		(3) CONTACT/PHONE Ron Alsop, Office of Emergency Services (805) 781-5011	
(4) SUBJECT Response to the FY 2007-08 Grand Jury Report: Emergency Alert Radios: A Valuable Aid to the County's Emergency Alert System".					
(5) SUMMARY OF REQUEST The Grand Jury issued a report on May 28, 2008 dealing with the County's emergency alert radios. The Grand Jury identified one (1) finding and one (1) recommendation related to the emergency alert radios. The attached staff report provides the Board of Supervisors with the recommended response to the recommendation made by the by the Grand Jury.					
(6) RECOMMENDED ACTION That the Board of Supervisors adopt the recommended response as the Board of Supervisors' responses to the 2007-2008 Grand Jury Report on the "Emergency Alert Radios: A Valuable Aid to the County's Emergency Alert System" and forward the response to the Presiding Judge.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): The Office of Emergency Services developed the recommended response.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW <i>RDC</i> The Administrative Office prepared this report.					

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM D430 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



TO: BOARD OF SUPERVISORS

FROM: RON ALSOP, OFFICE OF EMERGENCY SERVICES

DATE: JULY 15, 2008

SUBJECT: RESPONSE TO 2007-2008 GRAND JURY REPORT: "EMERGENCY ALERT RADIOS: A VALUABLE AID TO THE COUNTY'S EMERGENCY ALERT SYSTEM"

DAVID EDGE
COUNTY ADMINISTRATOR

RECOMMENDATION

That the Board of Supervisors adopt the following response as the Board of Supervisors' responses to the 2007-2008 Grand Jury Report on the "Emergency Alert Radios: A Valuable Aid to the County's Emergency Alert System" and forward the response to the Presiding Judge.

DISCUSSION

The Grand Jury issued a report on May 28, 2008 dealing with the County's emergency alert radios. The Grand Jury identified one (1) finding and one (1) recommendation related to the emergency alert radios. The Grand Jury has directed that the Board of Supervisors respond to the recommendation contained in the report which is listed below, followed by the recommended Board of Supervisors' response.

Grand Jury Recommendation #1

The OES should revise their alert information included in the telephone directory and other brochures and presentations to include NOAA Weather Radios. The OES should also encourage PG&E to include information on these radios in their public information about emergencies at Diablo Canyon Power Plant.

Board of Supervisors Response

The Office of Emergency Services and the Board of Supervisors agree that this recommendation should be implemented. OES, working with PG&E and a private contractor, has begun drafting a revision of the information for the next version of the AT&T telephone book, San Luis Obispo County edition which is expected to be available in October. Wording regarding the NOAA alert radios has been drafted for inclusion. OES will redouble its efforts to provide information on the radios during presentations, and in fact has recently begun doing so. OES will also encourage PG&E to include information on these radios in their public information about emergencies related to the Diablo Canyon Power Plant. In addition, information about the NOAA alert radios has been placed on the OES Web site at www.slocounty.ca.gov/oes.htm.

BOARD OF SUPERVISORS

July 15, 2008

Page 2

OTHER AGENCY INVOLVEMENT

The Office of Emergency Services developed the recommended response.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this response to the Grand Jury.

RESULTS

Adoption of the findings and recommendations will fulfill the County's obligation to respond to Grand Jury reports as specified in Section 933 of the Penal Code.

5. PISMO BEACH POLICE DEPARTMENT ACCREDITATION

COMMENDATION

The Jury commends the City of Pismo Beach for obtaining the Accreditation of Law Enforcement Agencies. It is a testimony to the department's commitment to provide the highest quality law enforcement services to the community it serves.

NO RESPONSES REQUIRED

6. SANTA MARGARITA ROAD PROJECT (ATASCADERO)

FINDING

Public Works made a commitment, in writing, to residents and property owners to include a 4 ft. shoulder as part of the Santa Margarita Road Project. To date the shoulder has not been installed on the easterly 300 feet of the roadway. Further, there has been no communication from Public Works officials to residents and property owners as to why the 4 ft. shoulder has not been constructed.

RECOMMENDATION

Public works should either honor its commitment to construct the shoulder beginning at La Pradera Road and continuing to the mailboxes on the north side of Santa Margarita Road **or** provide the residents and property owners with a valid written explanation as to why the shoulder should not be installed. (See Finding)

REQUIRED RESPONSES

A Response to the recommendation is required from both of the following:

- San Luis Obispo County Department of Public Works
- San Luis Obispo County, Board of Supervisors

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office		(2) MEETING DATE July 22, 2008		(3) CONTACT/PHONE Vincent Morici (805) 781-5020	
(4) SUBJECT Submittal of Board of Supervisors' recommended responses to a Grand Jury Report on the Santa Margarita Road Project.					
(5) SUMMARY OF REQUEST The Grand Jury released a report on the Santa Margarita Road Project on June 10, 2008. The Grand Jury has directed the Department of Public Works and the Board of Supervisors respond to recommendation in the report. The attached Board letter proposes responses to the recommendations in the Grand Jury Report.					
(6) RECOMMENDED ACTION It is recommended that your Board adopt the attached response of the Public Works Department as the Board of Supervisors' response to the Grand Jury Report on the Santa Margarita Road Project and forward the responses to the Presiding Judge of the Superior Court and the Grand Jury.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): The Department of Public Works contributed to the information used to develop the recommended response.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) 19000557			(21) W-9 <input type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW					

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM D430 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



DAVID EDGE
COUNTY ADMINISTRATOR

To: Board of Supervisors

From: Vincent Morici, Administrative Analyst

Date: July 22, 2008

Subject: Responses to 2007-2008 Grand Jury Report dealing with the Nacimiento Water Project.

RECOMMENDATION

The Board of Supervisors adopt the attached Department of Public Works response to the 2007-2008 Grand Jury Report on the Santa Margarita Road Project as the Board of Supervisor's response to the Grand Jury and forward the responses to the Presiding Judge of the Superior Court and the Grand Jury.

DISCUSSION:

The Grand Jury issued a report on June 10, 2008 dealing with the Santa Margarita Road Project that identified one finding and one recommendation (see attached Grand Jury report). The Grand Jury has directed that the San Luis Obispo Public Works Department and the Board of Supervisors respond to the recommendation in the report.

The County Public Works Department is the organization that managed the construction of the Santa Margarita Road Project. The Department has provided a response to the Grand Jury report. Staff has reviewed the response by Public Works and recommends that your Board adopt the Department of the Publics Works response as the Board of Supervisors response to the Grand Jury report. A copy of the Grand Jury Report and the Response by the Department Public Works is attached.

The Grand Jury report addresses the concerns of the residents along a stretch of Santa Margarita Road outside of the City of Atascadero. The concerns involve a 300 foot section of roadway that was originally planned to be paved and include a four foot shoulder. Although this shoulder area was apparently identified as being a part of the road improvements, the presence of utilities and fences precluded the improvement of the road shoulder area at the time the bulk of the roadwork was to be done. The Grand Jury recommendation states that the Department of Public Works should either honor its commitment or provide the residents on the north side of Santa Margarita Road with a valid explanation as to why the shoulder should not be installed. The attached response by Public Works indicates that the Department intends to prepare a plan to complete the work, including the coordination of the moving of utilities and fences with the work to improve the shoulder to be done in fall of 2008.

OTHER AGENCY INVOLVEMENT

The County Administrative Office reviewed the recommended responses with the staff in the Public Works Department.

FINANCIAL CONSIDERATIONS

Completion of the work recommended by the Grand Jury is estimated to cost \$15,000. Public Works indicates that there are sufficient dollars in the Road Fund to complete this work.

RESULTS

Adoption of the findings and recommendations will fulfill the County's obligation to respond to Grand Jury reports as specified in Section 933 of the Penal Code.

Attachments

Letter Dated July 22 from Public Works to the Presiding Judge

June 10, 2008 Grand Jury Report on the Santa Margarita Road Project



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo, CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

July 22, 2008

Honorable Martin Tangemen, Presiding Judge
Superior Court of California, San Luis Obispo County
1035 Palm Street, Suite 385
San Luis Obispo, CA 93408

Subject: Response to Grand Jury Report "Santa Margarita Road Project
(Atascadero) Promises, Promises" July 2008

Dear Your Honorable Tangemen:

As stated on page 6 of the final report, the Department of Public Works is required to respond to Finding and Recommendations of the report. The following provides our responses.

FINDING

Finding: Public Works made a commitment, in writing, to residents and property owners to include a 4 ft shoulders as part of the Santa Margarita Road Project. To date the shoulder has not been installed on the easterly 300 feet of the roadway. Further, there has been no communication from Public Works officials to residents and property owners as to why the 4 ft shoulder has not been constructed.

Reply: Public Works recognizes that the letter of February 28, 2007 calls out a four foot shoulder. During the February 14, 2008 field meeting with interested residents, however, staff noted the utility constraints in this area which prevented completion of the shoulder to La Pradera Road. Once the roadway was paved and the speed humps installed, the grand jury inquiry was initiated shortly thereafter. Our office held off on any formal communication with the residence regarding the status pending the Grand Jury inquiry which was confidential in nature. Staff will send out notice of our intention to resolve the shoulder condition with subsequent work to be done this fall once the utility conflict has been resolved.

RECOMMENDATION

Recommendation: Public Works should either honor its commitment to construct the shoulder beginning at La Pradera Road and continuing to the mailboxes on the north side of Santa Margarita Road or provide the residents and property owners as to why the 4 ft shoulder has not been constructed.

Reply: The Department will implement the shoulder improvements to the limits described in the February 2008 letter. There will be time required to complete the plan and coordinate utility and fence relocation which would prevent the completion of the work until the fall of 2008.

If you have any questions, please feel free to contact me at (805) 781-5252.

Sincerely,

A handwritten signature in black ink, appearing to read "Paavo Ogren", with a long horizontal line extending to the right.

PAAVO OGREN
Director

c: Grand Jury

File: Santa Margarita Road Project

L:\MANAGMNT\JUL08\Grand Jury Reply to Santa Margarita Road Report.doc.df.taw

7. THE FOOD BANK COALITION OF SLO COUNTY

CONCLUSIONS

The Grand Jury reviewed a substantial amount of information as noted above. This review leads us to the conclusion that the Food Bank Coalition of San Luis Obispo County is contributing to the health and welfare of needy citizens within the county of San Luis Obispo.

NO RESPONSES REQUIRED

8. BUILDING PERMITS PROCESS, PROBLEMS AND FISCAL IMPLICATIONS

FINDINGS

1. The County Building and Planning Department does not adequately inform property owners obtaining an Owner/Builder permit about the construction quality, legal and financial risks associated with these permits.
2. The County and cities may derive financial benefit by adopting procedures that discover non-permitted work and calculate the impact on permit fees and taxes. The Paso Robles Code Enforcement Division is currently checking for un-permitted work being performed
3. We were informed by a County Planning and Building official during fact check that beginning in fiscal year 2008-2009, permit fees will be based on a “cost recovery” system related directly to the department’s operation budget.

RECOMMENDATIONS

1. The County Planning and Building Departments should include a CSLB pamphlet on the legal and financial risks associated with Owner/Builder permits in every property owners permit package. (Finding #1)
2. The County and Cities should evaluate the financial benefit of identifying non-permitted work and its impact on permit fees and taxes. (Finding #2)

REQUIRED RESPONSES

Responses to the recommendations are required from the following:

- Recommendation 1 –
 - San Luis Obispo County Board of Supervisors
 - San Luis Obispo County Planning and Building Department
- Recommendations #2 –
 - San Luis Obispo County Board of Supervisors
 - San Luis Obispo County Planning and Building Department
 - Atascadero Planning and Building Department
 - Atascadero Board of Supervisors



CITY OF ATASCADERO

BK.

October 17, 2008

received
10/23/08
[Signature]

The Honorable Martin Tangeman, Justice
Superior Court of California
1035 Palm Street, Room 385
San Luis Obispo, CA 93408

RE: City of Atascadero's Response to the 2007/2008 San Luis Obispo County Grand Jury Report – Building Permits – Process, Problems, and Fiscal Implications

Dear Judge Tangeman:

This letter is provided in response to the Grand Jury's June 19, 2008 letter from Maryellen R. Simkins requesting the City's response to Recommendation #2 of the Building Permit report. This response represents that of the City Council as well as the Community Development Department, which includes Planning and Building. It is based on research conducted by City staff on the recommendation and related issues.

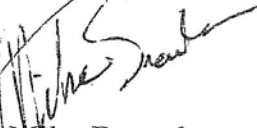
The City of Atascadero responds to building code violations on a complaint basis. This City policy is the preference of the City Council and is necessitated by a lack of enforcement staff. Code violations are handled by the Fire Department's Code Enforcement Official who is also the Fire Marshal. The Code Enforcement Official is the only person assigned to investigate code violations and is currently handling a backlog of enforcement cases. The Building Inspectors provide back-up on routine investigations of unpermitted work and will initiate code violation investigations when they become aware of unpermitted work occurring.

City staff and the City Attorney are currently reviewing the financial structure of code enforcement. The City's experience has been that the code enforcement program often requires the involvement of the City Attorney and is a very expensive process. The City is currently reviewing cost recovery options to help defray the cost of code enforcement operations. Typically, code enforcement cost recovery involves staff logging time spent on an enforcement case and then requiring the violator to reimburse the City for this cost.

The Honorable Martin Tangeman, Justice
October 17, 2008

Thank you for providing the City of Atascadero with the opportunity to respond to the Grand Jury's report. I can be reached at 470-3400 if you have any questions. For technical questions regarding the City's enforcement process, I would suggest you contact Warren Frace, Community Development Director at 470-3488 or Kurt Stone, Fire Chief at 470-3326.

Sincerely,



Mike Brennler
Mayor

cc: San Luis Obispo County Grand Jury
W. McKinney
K. Stone
T. Peterson
W. Frace
S. Kahn
B. Pierik
S. McHarris



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

B.K.

September 10, 2008

Grand Jury
P.O. Box 4910
San Luis Obispo, Ca 93403

Attention: Maryellen R. Simkins, Foreperson

Ms. Simkins:

The City of Paso Robles would like to acknowledge its receipt of your June 19, 2008 "Building Permits – Process, Problems and Fiscal Implications." The information provided in the narrative has significant relevance for anyone considering a construction project. It is important that consumers understand the process and the problems that can occur when they are not adequately informed about, or are inexperienced with the construction process.

The City of Paso Robles believes in the principle of responsible government. We go to great lengths to work with our citizens to achieve equitable building practices and responsible costs. An example is the streamlining meeting for permit application and processing we conducted this spring. We invited architects, developers, contractors and homeowners to gather their ideas on how to make the process more efficient. It was well attended and we have incorporated many of the suggestions into our processes.

The City has reviewed the Grand Jury suggestions noted on pages 11 and 12 of the report, and initiated internal follow up meetings to review procedures regarding discovery and enforcement with respect to work performed without benefit of a building permit. The City's inspectors routinely investigate excavations, material drops and construction activity to ensure proper permits are in effect.

Later this year, the City will conduct a cost study to assess and update costs and users fees throughout the City. This will include the fees associated with the building process. This endeavor is consistent with the City's economic policy that requires development to cover its associated costs and all City programs to be fiscally neutral.

We, in the Building Division, know that effective enforcement of the building codes has a direct effect on the safety of our citizens. Therefore we thank you for your taking time to review our processes, the positive comments we received and for your continued dedication to the people of San Luis Obispo County.

Sincerely,

Clyde Ganes
Deputy Building Official
City of El Paso de Robles

received
10/11/08
JW

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Administrative Office		(2) MEETING DATE August 5, 2008		(3) CONTACT/PHONE Vincent Morici (805) 781-5020	
(4) SUBJECT Submittal of Board of Supervisors' recommended responses to a Grand Jury Report titled "Building Permits – Processes, Problems and Fiscal Implications"					
(5) SUMMARY OF REQUEST The Grand Jury released a report on June 24, 2008 dealing with the building permits, process, problems and fiscal implications that identified three findings and two recommendations. The Grand Jury has directed that the San Luis Obispo Planning and Building Department and the Board of Supervisors respond to both recommendations in the report.					
(6) RECOMMENDED ACTION It is recommended that your Board of Supervisors adopts the attached Planning and Building Department response to the 2007-2008 Grand Jury Report titled "Building Permits – Processes, Problems and Fiscal Implications", as the Board of Supervisor's response to the Grand Jury and forward the responses to the Presiding Judge of the Superior Court and the Grand Jury.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): The County Planning and Building Department developed information used in the preparation of this response to the Grand Jury Report.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) 19000557			(21) W-9 <input type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW					

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM D430 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



DAVID EDGE
COUNTY ADMINISTRATOR

To: Board of Supervisors
From: Vincent Morici, Administrative Analyst
Date: August 5, 2008
Subject: Responses to 2007-2008 Grand Jury Report – “Building Permits – Processes, Problems and Fiscal Implications”

RECOMMENDATION

The Board of Supervisors adopts the attached Planning and Building Department response to the 2007-2008 Grand Jury Report titled “Building Permits – Processes, Problems and Fiscal Implications”, as the Board of Supervisor’s response to the Grand Jury and forwards the responses to the Presiding Judge of the Superior Court and the Grand Jury.

DISCUSSION:

The Grand Jury issued a report on June 24, 2008 dealing with the building permits, process, problems and fiscal implications that identified three findings and two recommendations (see attached Grand Jury report). The Grand Jury has directed that the San Luis Obispo Planning and Building Department and the Board of Supervisors respond to both recommendations in the report. The Grand Jury also requested that the Atascadero Planning and Building Department and the Atascadero City Council respond to Finding Number 2. The response by the City of Atascadero provided as a separate submittal directly to the Grand Jury and Presiding Judge.

The Planning and Building Department is the organization that manages the County’s building and land use permit processes. The Department has provided a response to the Grand Jury report. Staff has reviewed the response by the Planning and Building Department and recommends that your Board adopt the Department’s response as the Board of Supervisors response to the Grand Jury report. A copy of the Grand Jury Report and the response by the Planning and Building Department is attached.

The Grand Jury report addresses the concerns related to individuals who build new or remodeled structures without the appropriate county building permits. It also addresses issues related to the use of unlicensed contractors by individuals who undertake construction as “owner/builder”. The Grand Jury recommendations contained in their report are shown below along with the recommended Board of Supervisors response.

Finding No. 1

The County Building and Planning Department does not adequately inform property owners obtaining an Owner/Builder permit about the construction quality, legal and financial risks associated with these permits.

A5-2
8/5/2008

Grand Jury Recommendation No. 1

The County Planning and Building Departments should include a CSLB pamphlet on the legal and financial risks associated with Owner/Builder permits in every property owners permit package. (Finding #1)

Recommended Board of Supervisors Response

Adopt the response from the County Planning and Building Department as the Board of Supervisors response.

The Planning and Building Department disagrees with the contention in Finding Number 1 and identifies that department follows all legal procedures for signature and disclosure on all permit documents and Health and Safety Code notifications. The Planning Department will implement the recommendation to provide additional information associated with the requirements related to "owner/builder". The package of information will include a link to the Contractors State Licensing Board that also includes warnings and advisories to owner to individuals who intend to carry out construction as an "owner/builder."

Finding No. 2

The County and cities may derive financial benefit by adopting procedures that discover non-permitted work and calculate the impact on permit fees and taxes. The Paso Robles Code Enforcement Division is currently checking for un-permitted work being performed.

Grand Jury Recommendation No. 2

The County and Cities should evaluate the financial benefit of identifying non-permitted work and its impact on permit fees and taxes. (Finding #2)

Recommended Board of Supervisors Response

Adopt the response from the County Planning and Building Department as the Board of Supervisors response.

The County Planning and Building Department identifies that there is insufficient information available to evaluate the true extent of building done without permits and therefore it is not possible to correlate the effect on permit fees and taxes.

The County Planning and Building Department also identifies the processes that the department uses to address construction done without permits as well as the priorities of the code enforcement division with regard to their work in enforcing San Luis Obispo County's building and land use codes. It is noted that the department investigated 204 cases which resulted in individuals being required to obtain the appropriate building and grading permits.

OTHER AGENCY INVOLVEMENT

The County Administrative Office reviewed the recommended responses with the staff in the Planning and Building Department.

FINANCIAL CONSIDERATIONS

The minor expenses associated with development of informational materials as identified in the first recommendation of the Grand Jury and the Planning and Building Department expenses for enforcement activities are already contained in the department's adopted budget.

RESULTS

Adoption of the findings and recommendations will fulfill the County's obligation to respond to Grand Jury reports as specified in Section 933 of the Penal Code.

Attachments

Letter Dated from The County Planning and Building Department to the Presiding Judge.

Grand Jury Report



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

August 5, 2008

Honorable Martin Tangemen, Presiding Judge
Superior County of California, San Luis Obispo County
1035 Palm Street, Suite 385
San Luis Obispo, CA 93408

Subject: Response to Grand Jury Report 2007/2008 – “Building Permits – Process, Problems and Fiscal Implications”

Honorable Judge Tangemen:

In accordance with the required responses as detailed on page 13 of the above report:

Finding

1. The County Building and Planning Department does not adequately inform property owners obtaining an Owner/Builder permit about the construction quality, legal and financial risks associated with these permits.

Recommendations

1. The County Planning and Building Departments should include a CSLB pamphlet on the legal and financial risks associated with Owner/Builder permits in every property owners permit package. (Finding #1)

Response

The County disagrees with finding #1. The County follows the required legal procedures for signature and disclosure on all permit applications and per Health and Safety Code 19830 & 31, requires a notification form and a completed verification form for applicants taking out permits as owner-builders. We will increase our “standard of care” to provide additional information to our “owner/builder” customers. Effective August 1, 2008 we will provide a package of information to all owner/builder permit applicants. The package and a link to the Contractors State License Board website will also be available on the Planning and Building Department website (see attached).

Finding

2. The County and cities may derive financial benefit by adopting procedures that discover non-permitted work and calculate the impact on permit fees and taxes. The Paso Robles Enforcement Division is currently checking for un-permitted work being performed

Recommendations

2. The County and cities should evaluate the financial benefit of identifying non-permitted work and its impact on permit fees and taxes. (Finding #2)

Response

The County can neither agree nor disagree with this finding because there is not accurate information available to evaluate the amount of unpermitted work and consequently impossible to correlate the impact on permit fees and taxes.

Unpermitted construction, when identified by staff through observations or constituent complaint, is always investigated. Additional fees and often fines are assessed. In the case of repeat offenders prosecution is sought. If licensed professionals have done the unpermitted construction we file a complaint with the State Contractor's Licensing Board and seek prosecution through the office of the District Attorney.

Fees charged for building permits are based on the actual staff time required to process the permits and to complete the required inspections. Work that is done without a proper building permit has no time requirements of department staff and therefore there is no impact on the department budget due to uncollected fees. When unpermitted work is discovered the appropriate fees are collected at that time to cover staff time. This would also trigger a reassessment of property taxes, development impact fees and school fees.

The San Luis Obispo County Department of Planning and Building Code Enforcement unit's area of responsibility covers approximately 3,360 square miles (3,500 sq. mi. – 7 cities of 20 sq. mi. each = 3,360 sq. mi.), including 12 unincorporated communities and a population of over 120,000. The unit consists of six investigators and a supervisor, and in a given year conducts over 1,000 investigations in addition to community cleanups and special projects. By comparison, the City of Paso Robles, with an area of 20 square miles and a population of under 30,000 has three code enforcement officers, a supervisor and the assistance of the police department.

The County Code Enforcement effort is triage-weighted in order of:

- Public safety
- Substandard living conditions
- Irreparable environmental damage
- Other Housing Code violations
- Building Code violations
- Other environmental crimes
- Land use violations
- Vehicle Abatement

Staffing resources and other priorities do not allow us to specifically target unpermitted construction. Nevertheless in fiscal year 2007/08, 204 "as-built" and "expired permit" cases were investigated and required to obtain building and grading permits. While we

have not kept a tally of the fees, it is very safe to say that at least \$250,000 was paid that would have otherwise gone unrealized.

It is the Department's policy to put priority on issues of public safety and orderly community development, not revenue generation. Consequently it is unlikely that, given our limited resources, any special program, other than an amnesty period, would be considered in the near future.

Finding

3. We were informed by a County Planning and Building official during the fact check that beginning in fiscal year 2008-2009, permit fees will be based on a "cost recovery" system related directly to the department's operation budget.

Response

No response required.

If you have any questions, please feel free to contact me at (805) 781-5600.

Sincerely,



Victor Holanda, AICP
Director Department of Planning and Building



OWNER BUILDER INFORMATION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

Dear Property Owner:

An application for a building permit has been submitted in your name listing yourself as the builder of the property improvements specified. For your protection you should be aware that as 'owner-builder' you are the responsible party of record on the permit. Building permits are not required to be signed by property owners unless they are personally performing their own work. If your work is being performed by someone other than yourself, you may protect yourself from possible liability if that person applies for the proper permit in his or her name. Contractors are required by law to be licensed and bonded by the State of California and to have a business license from the city or county. They are also required by law to put their license number on all permits for which they apply.

If you plan to do your own work, with the exception of various trades that you plan to subcontract, you should be aware of the following information for your benefit and protection:

If you employ or otherwise engage any persons other than your immediate family, and the work (including materials and other costs) is \$500 or more for the entire project, and the persons are not licensed as contractors or subcontractors, then you may be an employer.

If you are an employer, you must register with the state and federal government as an employer and you are subject to several obligations including state and federal income tax withholding, federal social security taxes, workers' compensation insurance, disability insurance costs, and unemployment compensation contributions.

There may be financial risks for you if you do not carry out these obligations, and these risks are especially serious with respect to workers' compensation insurance. For more specific information about your obligations under federal law, contact the Internal Revenue Service (and, if you wish, the U.S. Small Business Administration). For more specific information about your obligations under state law, contact the Department of Benefit Payments and the Division of Industrial Accidents.

If the structure is intended for sale, property owners who are not licensed contractors are allowed to perform their work personally or through their own employees, without a licensed contractor or subcontractor, only under limited conditions.

A frequent practice of unlicensed persons professing to be contractors is to secure an 'owner-builder' building permit, erroneously implying that the property owner is providing his or her own labor and material personally. Building permits are not required to be signed by property owners unless they are performing their own work personally.

Information about licensed contractors may be obtained by contacting the Contractors' State License Board's automated telephone information system at 1-800-321-CSLB (2752) or by accessing their Web site at www.CSLB.ca.gov.

Please complete and return the enclosed owner-builder verification form so that we can confirm that you are aware of these matters. The building permit will not be issued until the verification is returned.

Owner/builders take note!

A word of caution from the Contractors State License Board

*Hiring an unlicensed
“consultant” to manage
the project does not
save you money
in the long run.*

*By hiring a licensed
experienced contractor
for your project to hire
licensed knowledgeable
tradespersons, the
contractor becomes
responsible for all
phases of construction.*



Anyone who talks you into being your own general contractor, or “owner/builder,” may be doing you no favor.

“Owner/builder” describes a situation in which the homeowner becomes the general contractor. As an owner/builder, *you* (not the person you hire) assume responsibility for the overall job.

Your responsibilities may include such things as state and federal taxes, workers’ compensation insurance, and other legal liabilities. You may be required to hire various subcontractors for your project, scheduling their work and supervising the job. If a worker is injured while working on your property, you could be asked to pay for injuries and rehabilitation through your homeowner’s insurance policy.

By signing a building permit application as an owner/builder, you assume full responsibility for all phases of your project and its integrity.

Hiring an unlicensed “consultant” to manage the project does not save you money in the long run. By hiring a licensed experienced contractor for your project to hire licensed knowledgeable tradespersons, the contractor becomes responsible for all phases of construction.

Unless you are very experienced in construction, it is best to leave these matters to your licensed contractor.

A Warning about being your own Contractor (Owner/Builder)

Homeowners can face very serious legal and financial problems if they choose to try to save money by acting as their own contractor. The term for this is *owner/builder*. If the homeowner chooses to be an owner/builder, they become an employer and must:

- Provide workers compensation insurance and withhold payroll taxes if they hire any unlicensed contractors;
- Be responsible for making sure the job is done properly. If any of the construction doesn't pass building inspections, the homeowner is responsible for correcting the work;
- Make sure all contractors and material suppliers are paid, or mechanic's liens may be filed against your property. Even though you may have paid your roofing contractor in full, a mechanic's lien could lead to the sale of your property in order to pay a bill for services on your property that was not paid by your contractor. It is not illegal for a homeowner to act as an owner/builder. But, unless you have a lot of experience in construction, the CSLB recommends that it's best to hire a legitimate, licensed expert.

WHAT IS AN OWNER/BUILDER?

This section defines what an owner builder is and the laws surrounding the practice.

- An owner/builder is what the term indicates. The person owns the property and acts as their own general contractor on the job and either does the work themselves or has employees (or subcontractors) working on the project.
- The work site must be their principal place of residence that they have occupied for 12 months prior to completion of the work.
- The homeowner cannot construct and then sell more than two structures during any three-year period.

THE RESPONSIBILITIES OF AN OWNER/BUILDER.


This section outlines the job responsibilities of a property owner when they decide to handle their own construction projects as an owner/builder.

When you sign a building permit application as an owner/builder, you assume full responsibility for all phases of your project and its integrity. You must pull all building permits. Your project must pass codes and building inspections.

The owner/builder is responsible for ordering materials and making sure all suppliers are paid.

An owner/builder is also responsible for supervising, scheduling and paying subcontractors. If you use anyone other than your immediate family or a licensed subcontractor for work, you may be considered an "employer".

Employers must register with the state and federal governments and are obligated to participate in state and federal income tax withholding, federal social security taxes, workers' compensation insurance, disability insurance costs, and unemployment compensation contributions

 **TIP** For more specific information about your obligations under federal law, contact the Internal Revenue Service at (800) 829-1040 [and, if you wish, the

U.S. Small Business Administration at (800) 359-1833]. For more specific information about your obligations under state law, contact the Employment Development Department at (916) 653-0707, the Department of Industrial Relations at (415) 703-5070, and the Franchise Tax Board at (800) 852-5711.

THE DOWNSIDE OF BEING AN OWNER/BUILDER

This section presents some additional issues that should be taken into consideration before deciding to become an owner/builder.

Unless you are knowledgeable about construction, mistakes can be costly and take additional time to repair or do it right.

Subcontractors and suppliers who are not paid on schedule may file mechanic's liens against your property. Educate yourself about mechanic's liens and how to prevent them.

If your workers are injured, or your subcontractors are not licensed or do not carry liability insurance or worker's compensation and they are injured, you could be asked to pay for injuries and rehabilitation through your homeowner's insurance policy or face lawsuits.

You should be cautious of unlicensed individuals claiming to be contractors who prey upon homeowners. They may promise to guide you through the owner/builder process for a consulting fee, but they are breaking the law.

☑ REMEMBER

As an owner/builder, you assume full responsibility for all phases of your project and its integrity.

Licensed contractors must demonstrate knowledge of their craft, be tested, fingerprinted, bonded and FBI background checked before they are licensed to work in California.

Illegal contractors can bungle a job or skip with the down payments leaving the owner/builder pretty much on their own to deal with the issue.

This section provides answers to questions regarding owner/builder's and briefly describes the laws surrounding the practice.

Who is considered an owner/builder?

Any individual, or group of individuals, who own the property on which they plan to construct, alter, repair, improve, or remodel a building or structure. Also, a tenant may be considered an owner/builder (case-by-case).

Is an owner/builder required to have a license?

An owner/builder is exempt from licensure, but there are limitations.

A license is not required if:

- The owner/builder does the work himself or herself or through his or her own employees with wages as their sole compensation and the structure(s) is/are not intended for sale.
- The owner/builder contracts with properly licensed subcontractor(s).
(This exemption applies to the construction of a single-family residential structure and limits the number of structures intended or offered for sale to four or fewer in a calendar year.)
- The owner/builder contracts with a general building ("B") contractor. (The number of structures is then unlimited.)

Is a homeowner required to obtain a license if he/she wants to improve his/her home?

A homeowner improving his or her principal place of residence is exempt from licensure if all of the following exist:

- The work is performed prior to sale;
- The homeowner resides in the residence for the 12 months prior to completion of the work; and,

- The homeowner has not taken advantage of this exemption on more than two structures during any three-year period.

Are there any trades that property owners are prohibited from performing themselves?

Property owners are prohibited from performing well-drilling work covered under the C-57 Well Drilling classification.

Does the owner/builder exemption apply to an individual who builds homes for resale (spec homes) and are there any limitations?

Yes.

The owner/builder exemption would apply to an individual who builds homes for resale under any of the following conditions:

- Licensed tradesmen are hired to perform all work on the project (provided no more than four structures per calendar year are intended for resale).
- A licensed general contractor is hired to perform and/or subcontract the completion of all work on the project. (No restriction on the number of structures completed per calendar year.)
- The owner/builder performs the work, all or in part, and resides in the completed structure for one year prior to resale. (Applies to not more than two structures in a three-year period.)

(For more information regarding owner/builder, see section 7044 of the Business and Professions Code or The Risks of Being an Owner/Builder under the "Consumers" section of this website.)

§ 7044. Property owner making own improvements

This chapter does not apply to any of the following:

- (a) An owner of property, building or improving structures thereon, or appurtenances thereto, who does the work himself or herself or through his or her own employees with wages as their sole compensation, provided none of the structures, with or without the appurtenances thereto, are intended or offered for sale.
- (b) An owner of property, building or improving structures thereon, or appurtenances thereto, who contracts for such a project with a subcontractor or subcontractors licensed pursuant to this chapter.

However, this exemption shall apply to the construction of single-family residential structures only if four or fewer of these structures are intended or offered for sale in a calendar year. This limitation shall not apply if the owner of property contracts with a general contractor for the construction.

(c) A homeowner improving his or her principal place of residence or appurtenances thereto, provided that all of the following conditions exist:

- (1) The work is performed prior to sale.
- (2) The homeowner has actually resided in the residence for the 12 months prior to completion of the work.
- (3) The homeowner has not availed himself or herself of the exemption in this subdivision on more than two structures more than once during any three-year period.

In all actions brought under this chapter, proof of the sale or offering for sale of any such structure by the owner-builder within one year after completion of same constitutes a rebuttable presumption affecting the burden of proof that such structure was undertaken for purposes of sale. Except as otherwise provided in this section, proof of the sale or offering for sale of five or more structures by the owner-builder within one year after completion constitutes a conclusive presumption that the structures were undertaken for purposes of sale.

In addition to all other remedies, any (1) licensed contractor, or association of contractors, (2) labor organization, (3) consumer affected by the violation, (4) district attorney, or (5) the Attorney General, shall be entitled to seek injunctive relief prohibiting any violation of this chapter by an owner-builder who is neither licensed nor exempted from licensure by this section or any other section according to the provisions specified in Section 7028.3 or Section 7028.4. The plaintiff in any such action shall not be required to prove irreparable injury and shall be entitled to attorneys' fees and all costs incurred in the prosecution of such action, provided the plaintiff is the prevailing party. The defendant in any such action, shall be entitled to attorneys' fees and all costs incurred in the defense against such action, provided the defendant is the prevailing party.

The registrar pursuant to Section 7090 may take disciplinary action as provided in this chapter against any person whenever the grounds or cause for disciplinary action arose upon any project undertaken by him or her as a licensee licensed pursuant to this chapter.

Any person, firm, or corporation which has violated Section 7028 by engaging in contracting work as an owner-builder without having a license or an exemption from licensure under this section or any other section shall not be entitled to become a licensee under this chapter for a period of one year following the violation.

Added Stats 1981 ch 1124 § 10. Amended Stats 1988 ch 1035 § 1.3.



OWNER/BUILDER VERIFICATION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

OWNER-BUILDER VERIFICATION

Attention Property Owner:

An 'owner-builder' building permit has been applied for in your name and bearing your signature.

Please complete and return this information in the envelope provided at your earliest opportunity to avoid unnecessary delay in processing and issuing your building permit. No building permit will be issued until this verification is received.

1. I personally plan to provide the major labor and materials for construction of the proposed property improvement (yes or no) _____
2. I (have/have not) _____ signed an application for a building permit for the proposed work.
3. I have contracted with the following person (firm) to provide the proposed construction:

Name _____
 Address/City _____
 Phone _____ Contractors License No. _____

4. I plan to provide portions of the work, but I have hired the following person to coordinate, supervise, and provide the major work:

Name _____
 Address/City _____
 Phone _____ Contractors License No. _____

5. I will provide some of the work but I have contracted (hired) the following persons to provide the work indicated:

Name	Address	Phone	Type of Work
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Signed: _____

Property Owner: _____

Date _____

9. HOW PREPARED IS YOUR SCHOOL?

FINDINGS

1. Comprehensive Emergency Response Plans are critical to providing a safe environment for schools in San Luis Obispo County.
2. The Grand Jury found that the quality and comprehensiveness of Emergency Crisis Response Plans were not consistent among the schools reviewed.

RECOMMENDATION

The Grand Jury recommends that all County schools re-evaluate their Emergency Crisis Plans with input from parents, staff and local fire and law enforcement departments. This process of re-evaluation should be ongoing. (Findings No. 1 & 2)

REQUIRED RESPONSES

A Response to the recommendation is required from each of the following:

- San Luis Obispo County Superintendent of Schools
- Superintendent of the following School Districts:
 - Lucia Mar Unified - Shandon Unified - Templeton Unified
 - Atascadero Unified - Grizzly Challenge Charter - San Miguel Joint
 - Cayucos Elementary - San Luis Coastal Unified - Bellevue - Santa Fe Charter
 - Coast Unified - Paso Robles Joint Unified - Pleasant Valley Joint Union

Atascadero Unified School District

5601 WEST MALL • ATASCADERO, CALIFORNIA 93422
DISTRICT OFFICE (805) 462-4200 • FAX (805) 462-4421

John Rogers, Superintendent

October 3, 2008

Foreperson Maryellen R. Simkins
San Luis Obispo Grand Jury
P.O. Box 4910
San Luis Obispo, CA 93403

Dear Foreperson Simkins:

The purpose of this letter is to respond to the San Luis Obispo County Grand Jury Report "**How Prepared is Your School?**".

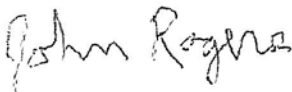
Atascadero Unified School District's staff concurs with the findings of the report as they relate to Emergency Crisis Response Plans in county public schools. The Grand Jury recommends that all county schools reevaluate their emergency crisis plans with input from parents, staff and local fire and law enforcement. Further, the Grand Jury recommends that this process of reevaluation should be ongoing.

We appreciate the notation in the report that identifies Atascadero High School as having the most comprehensive plan in the county. The plans represent a lot of hard work on the part of staff, and includes individual action plans to address medical emergencies, violence and criminal activities, shelter in place/evacuation, facility emergencies and student welfare problems. In addition, we have revised several other safety plans, not just at AHS, but all school sites.

At the County Superintendents' meeting in August the issue of coordinating districts to share information on safety plans was discussed. As always we are ready to assist other districts if asked and continue to reflect on our plans and our procedures in an effort to ensure the highest degree of student and staff safety possible.

We appreciate the hard work that the Grand Jury did in compiling this report. Of the many topics available for selection by the Grand Jury, the selection of this one gives evidence that the concern over student safety is shared by everyone in our communities, not just the schools.

Respectfully submitted,



John Rogers, Superintendent
Atascadero Unified School District

received
10/9/08



DEDICATED TO STUDENTS ~ COMMITTED TO EXCELLENCE

Carrisa Plains School • Creston Elementary • Monterey Road Elementary • San Benito Road Elementary
San Gabriel Road Elementary • Santa Margarita Elementary • Santa Rosa Academic Academy
Atascadero Fine Arts Academy • Atascadero Junior High School • Atascadero High School
Del Rio Continuation High School • West Mall Alternative School • Atascadero Adult School

BK



CAYUCOS ELEMENTARY SCHOOL DISTRICT

301 CAYUCOS DRIVE
CAYUCOS, CALIFORNIA 93430

Telephone (805) 995-3694

September 24, 2008

Presiding Judge Martin Tangeman
Superior Court of California
1035 Palm, Room 385
San Luis Obispo, CA 93408

Re: Response to Grand Jury Report on Emergency Crisis Response Plans

Judge Tangeman;

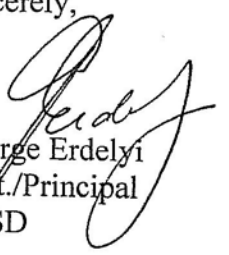
The Cayucos Elementary School District is in receipt of the San Luis Obispo County Grand Jury's report on School's Emergency Crisis Response Plans.

After careful review of the report and the recommendations presented, I can assure you that CESD has a comprehensive Emergency Preparedness Plan that meets all of the state and federal mandates for planning and training of school district staff and students. Our plan is in compliance with all SIMS/NIMS requirements.

Annually a full-scale emergency drill is conducted in the district with local public agencies that includes the entire district staff, parents, and students as well as adjoining school districts, the County Office of Education and numerous adjunct county agencies. These drills are evaluated by outside public safety personnel and recommended changes are implemented where necessary.

In addition the CESD Health and Safety Committee annually reviews, evaluates, and modifies the CESD School Safety Plan. Training of staff is determined by this annual review.

Sincerely,


George Erdelyi
Supt./Principal
CESD

Cc: CESD Board of Trustees
file

received
9/30/08
Don

COAST UNIFIED SCHOOL DISTRICT

1350 Main Street Cambria, California 93428

(805) 927-3880 FAX: (805) 927-7105

July 11, 2008

Presiding Judge Martin Tangeman
Superior Court of California
1035 Palm, Room 385
San Luis Obispo, CA 93408

Subject: Response to Grand Jury Report on Emergency Crisis Response Plans

Judge Tangeman;

The Coast Unified School District is in receipt of the San Luis Obispo County Grand Jury's report on School's Emergency Crisis Response Plans.

After reviewing the report and the recommendations presented, I can assure you that the Coast Unified School District has a comprehensive Emergency Preparedness Plan that meets all of the state and federal mandates for planning and training of school district personnel and students. The plan is in compliance with all SIMS/NIMS requirements.

Annually a full-scale emergency drill is conducted in the district with local public safety agencies that includes the entire district administrative staff, teachers/aides, parents, and students. These drill are evaluated by outside public safety personnel and recommended changes are evaluated and implemented where necessary.

If you have any questions or if I can be of any further assistance to you or the Grand Jury, I may be reached at (805) 927-3693.

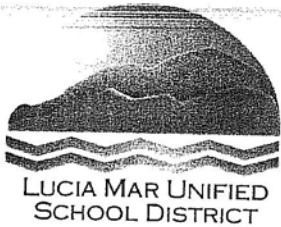
Sincerely,



Denis M. de Clercq
District Safety Officer

Cc: District Superintendent
File
SLO Grand Jury

B.K.



Office of the Superintendent
602 Orchard Street, Arroyo Grande, CA 93420
(805) 474-3000 Ext.1080 FAX (805) 481-1398

October 13, 2008

The Honorable Martin Tangeman
Presiding Judge
Superior Court of California
1035 Palm Street, Room 385
San Luis Obispo, CA 93408

Dear Judge Tangeman:

This letter is submitted in response to the findings and recommendations included in the section "How Prepared Is Your School?" from the 2007-2008 Grand Jury report. The District has reviewed the report and appreciates the Grand Jury's interest and suggestions for improving emergency crisis response plans for the students in our county.

The Lucia Mar Unified School District has a comprehensive Emergency Preparedness Plan responsive to state and federal requirements. Emergency drills are practiced at all sites throughout the school year and the District participates in annual emergency drills with the County of San Luis Obispo Office of Emergency Services, County Office of Education, and also works with local fire and law enforcement departments.

We agree that the process of re-evaluation of emergency preparedness should be ongoing and will continue efforts to improve and implement changes when necessary. Thank you for your time and recommendations on behalf of our students and staff.

If you have any questions or if I can be of any additional assistance, please feel free to contact me at (805) 474-3000, ext. 1080.

Sincerely,


James Hogeboom
Superintendent

c: San Luis Obispo County Grand Jury
Board of Education



PASO ROBLES PUBLIC SCHOOLS

BK
Kathleen McNamara, Ed. D., Superintendent

800 Niblick Road, P.O. Box 7010 • Paso Robles, CA 93447

Tel (805) 238-2222 • Fax (805) 237-3339 • www.pasoschools.org

TRUSTEES

Jeanne Dugger

Pat Johnson

W. Jay Packer

Joe E. Quiroz

Debi Saunders

Robert Simola, Ph.D.

Ruben F. Tate, Jr.

July 1, 2008

San Luis Obispo County Grand Jury
P.O. Box 4910
San Luis Obispo, CA 93403

To Whom It May Concern:

I concur with the findings of the 2007-2008 San Luis Obispo County Grand Jury Report, and I will take all recommendations under advisement.

Sincerely,

Kathleen McNamara, Ed.D.
Superintendent

jkl



Joint Union School
805-467-3453
7000 Ranchita Canyon Road
San Miguel, California 93451

BK

September 17, 2008

Presiding Judge Martin Tangeman
Superior Court of California
1035 Palm, Room 385
San Luis Obispo, CA 93408

Subject: Response to Grand Jury Report on Emergency Crisis Response Plans

Honorable Judge Tangeman,

The Pleasant Valley Joint Union Elementary School District is in receipt of the San Luis Obispo County Grand Jury's report on Schools Emergency Crisis Response Plans.

I can assure you that Pleasant Valley's comprehensive school safety response plan meets requirements specified by all agencies. Annually, in September, a full scale emergency drill is conducted in the district with California Department of Forestry, County Sheriff, and County safety personnel present to evaluate the effectiveness and efficiency of our plan. The entire school district is involved in the drill.

The drill is evaluated by staff and outside agencies to continue to modify and change, if needed, to make it the most comprehensive and effective plan in place. We follow up with monthly fire drills, including duck and cover practices.

Our school also has an intruder on campus drill once a year with entire district participation in the drill.

If you have questions or if I can be of any further assistance to you or the Grand Jury I can be reached at school (805)467-3453.

Sincerely,

Tom Apkarian
Superintendent

Cc: San Luis Obispo County Grand Jury



B.K

received
10/29/08
Jm

October 24, 2008

Presiding Judge Martin Tangeman
Superior Court of California
1035 Palm, Room 385
San Luis Obispo, CA 93408

Dear Judge Tangeman:

I am writing in response to the Findings and Recommendation of the San Luis Obispo County Grand Jury report, "How Prepared is Your School?" dated June 19, 2008.

Finding 1: *Comprehensive Emergency Response Plans are critical to providing a safe environment for schools in San Luis Obispo County.*

Response: I agree that Emergency Response Plans are critical to providing a safe school environment for students and staff. All school districts in the county have been required to develop and implement plans that comply with the Incident Command System (ICS) and Standardized Emergency Management System (SEMS). The current national standard is the National Incident Management System (NIMS) based on the models cited. These components are the guides that we use for our plans. I am confident that the Superintendent and the Board of Trustees of each of the ten school districts in our county and the County Office of Education are committed to providing a safe environment for students and staff and strongly believe that a Comprehensive Emergency Response Plan is critical to accomplishing this task.

Finding 2: *The Grand Jury found that the quality and comprehensiveness of Emergency Response Plans were not consistent among the schools reviewed.*

Response: I acknowledge the variation among the Emergency Response Plans for the ten school districts in the county. While we strive for conformity as much as possible, I also recognize that the variation in size, geography and facility configuration of each district dictates a Plan that is reflective of local circumstances. For example, one district may rely on one law enforcement agency, while others coordinate with multiple agencies due to boundary configurations. Adherence to the NIMS model noted above provides commonality among the districts.

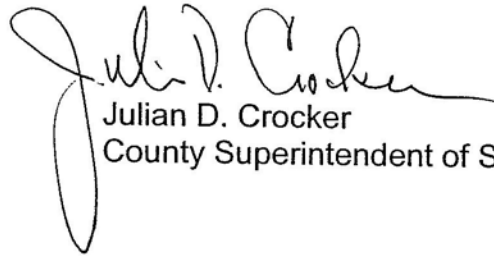
Presiding Judge Martin Tangeman
Page Two
October 24, 2008

Recommendation: *The Grand Jury recommends that all County schools re-evaluate their Emergency Crisis Plans with input from parents, staff and local fire and law enforcement. This process of re-evaluation should be ongoing. (Findings No. 1 & 2)*

Response: My office will work with the ten school districts in the county to implement this recommendation. For example, the topic of emergency planning is a regular topic of discussion in the Risk Management Committee (RMC) of the Schools Insurance Program for Employees (SIPE), the Joint Powers Authority (JPA) for worker compensation coverage for the ten school districts, the County Office of Education and Cuesta Community College in the county. Also, On October 22, 2008, my office convened and hosted a *Safe School Planning Workshop* for local school districts and law enforcement. Twenty eight people attended the workshop. A copy of the announcement is attached.

Please contact me if you need additional information or clarification.

Sincerely,

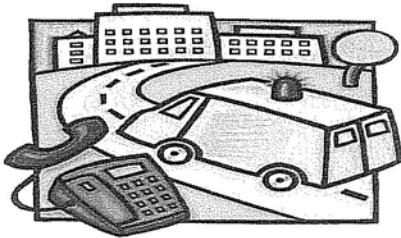
A handwritten signature in black ink, appearing to read "Julian D. Crocker". The signature is fluid and cursive, with a large loop at the end of the last name.

Julian D. Crocker
County Superintendent of Schools

Safe School Planning WORKSHOP

Wednesday, October 22, 2008

8:15 a.m. – 3:30 p.m.
SLOCOE Board Room



Fee: \$20
(Includes materials/lunch)

Presenters:

Bill Spencer – Trainer, School/ Law Enforcement Partnership; Director, Student Services, Paso Robles JUSD

Bob Velasquez – Resource Officer, PRJUSD & Paso Robles Police Dept

Linda Sargent – Consultant, School/Law Enforcement Partnership,

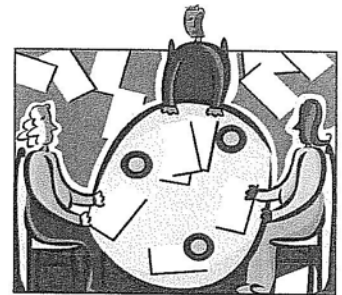
8:15 – 8:30 Registration/Networking

8:30 – 2:30 Safe School Planning

- ▶ Creating a Planning Team
- ▶ Reviewing your School Safety Plan
- ▶ Revising the Plan to meet the March 1st Annual Review Deadline

2:30 – 3:30 School Crisis Response OVERVIEW

- ▶ Preparing for a Possible Crisis
- ▶ Linking the Safe School Plan to the Crisis Response Plan



Audience:

A School Site Administrator and/or a Safety Team representative should attend this training.

PLEASE bring a copy of your school site's Safe School Plan!

This training will review the requirements for developing a comprehensive safe school plan as required in Education Code (EC) section 35294.2(l)(b). This training will provide tools for a site representative to convene a safety meeting and update the site plan. The Safe School Plan must be evaluated and amended not less than once per year (by March 1st); and is a required part of the yearly School Accountability Report Card (SARC) as mandated by Education Code (EC) 33126 and 35256 (completed in July).

Registration Deadline: OCTOBER 17, 2008

Method of Payment: Check # _____ PO# _____
(FAX REGISTRATION BEFORE SUBMITTING TO YOUR BUSINESS DEPT. FOR PAYMENT)

Make checks or purchase orders payable to **SLOCOE** and return to:
Jacki Seibert, SLOCOE, Educational Services fax 594-0739,
jseibert@slocoe.org, 782-7262,

Name: _____ Position: _____

District/School/Organization: _____

Telephone: _____ FAX: _____ E-mail: _____

Questions? Contact **Christine Enyart-Elfers**
Prevention & Community Partnerships
782-7284, cenyart@slocoe.org



B.K.

San Luis Coastal Unified School District



1500 Lizzie Street
San Luis Obispo, CA 93401-3062
(805) 549-1200

EDWARD T. VALENTINE, Ed.D., Superintendent
phone (805) 549-1334
fax (805) 549-9074
email: district@slcusd.org

November 12, 2008

Maryellen Simkins, Foreperson
San Luis Obispo Grand Jury
PO Box 4910
San Luis Obispo, CA 93403

Madam Foreperson and Members of the Grand Jury:

I'm sorry not to have responded sooner. Our office staff does not have a record of receiving the report. We share the Grand Jury's understanding that emergency response plans are essential to maintaining a safe school environment.

To that end, each school site has its own safety plan which is coordinated with the overall district safety plan. Appropriate drills related to a variety of potential emergencies are conducted and evaluated each year.

In addition to drills, we have had several incidents of phone threats regarding weapons or explosives which have prompted live responses. Thankfully, those incidents have proven to be hoaxes, but the responses were real. We have learned from each incident and conducted formal debriefings following each. Those experiences keep us from complacency with our procedures.

Each year, all school sites are required to review and revise their school safety plans. Principals are provided all of the relevant Education Codes regarding their responsibilities for annual review. The review is conducted through each school's School Site Council which consists of parents, teachers, classified staff and, in secondary schools, students. A form with the principal's signature and the signature of the School Site Council President verifying the review is submitted each year to our Student Services Department.

As a result, we respond as follows to the Grand Jury Report:

Findings

1. Comprehensive Emergency Response Plans are critical to providing a safe environment for schools in San Luis Obispo County

Response:

The respondent agrees with the finding.



Maryellen Simkins, Foreperson
San Luis Obispo Grand Jury
November 12, 2008
Page 2

2. The Grand Jury found that the quality and comprehensiveness of Emergency Crisis Response Plans were not consistent among the schools reviewed.

Response:

Our plans were not reviewed by the Grand Jury, nor did we review the plans of other districts. As a result, the Grand Jury's conclusion is beyond our scope of knowledge. That said, we strive to improve our plans each time we review them which lends credence to the notion that the quality and comprehensiveness of all plans is a work in progress. With that qualification, the respondent is comfortable in agreeing with the finding.

Recommendation

The Grand Jury recommends that all County schools re-evaluate their Emergency Crisis Plans with input from parents, staff and local fire and law enforcement departments. This process of re-evaluation should be ongoing.

Response:

As described above, the recommended review occurs annually. Signed verification of each site's review is due to the Student Services Department by March 1 of each year. Fire and law enforcement personnel are familiar with our plans, participate in selected drills and, as noted, have performed live services during threatened emergencies. We are comfortable that the recommendation has been implemented per the included summary.

I thank the Grand Jury for its interest in this important topic and for its work to improve the safety of children in our schools.

Respectfully,

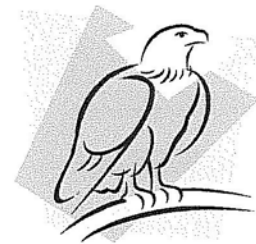


EDWARD T. VALENTINE, Ed.D.
Superintendent

EV:mkh

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

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



October 17, 2008

Foreperson Maryellen R. Simkins
San Luis Obispo Grand Jury
P.O. Box 4910
San Luis Obispo, CA 93403

received
10/29/08
JW

Dear Foreperson Simkins:

This letter is in response to the San Luis Obispo County Grand Jury Report
"How Prepared is Your School?"

The Templeton Unified School District would like to thank you for your work on this most important subject. We are always concerned for the welfare of our students and staff. It is reassuring to know that others share our concerns.

We are well aware that, unfortunately, the world we live in now is not the same world most of us grew up in. Violence in the school environment has become a very real possibility and we all need to be prepared to handle it. In addition to that, there are a multitude of other emergency situations that could threaten the safety of our students and staff. There are several ways in which we address this need.

First of all, we have compiled a comprehensive "Multi-Hazard Action Plan" that forms the basis of our emergency procedure guidelines. This plan outlines detailed procedures for 14 possible emergency scenarios, including Earthquake, Fire, Lockdown, Bomb Threat/Explosion, Hazardous Materials and others.

In addition, the Multi-Hazard Action Plan contains staff assignments, organizational charts, incident classifications and emergency phone numbers for staff and local agency responders. A copy of our Multi-Hazard Plan was filed with the SLO County Sheriff's Department.

Each school site holds emergency drills monthly, two of which are shelter-in-place or lockdown drills. All of these drills are evaluated by site administrators using a standardized evaluation form.

Once a year we hold a district-wide earthquake drill. Our Sheriff's Department Resource Officer and the Templeton Fire Chief take part in this drill and provide feedback from a local responder point of view and recommend changes, if necessary.

All of our emergency actions are managed using the National Incident Management System which assures that we will be able to effectively network and communicate with any outside emergency responders that may be required to assist us. The Templeton Unified School District adopted the National Incident Management System (NIMS) on August 16, 2006 by Board Resolution #07-04 and all administrators are trained and certified to the NIMS IS-700 level.

While it is absolutely vital that we are prepared for a variety of emergencies, it is also imperative that we address the prevention of emergencies whenever possible. Obviously we cannot predict or prevent an earthquake, but we can prevent fires with good housekeeping, facility inspections and preventative maintenance.

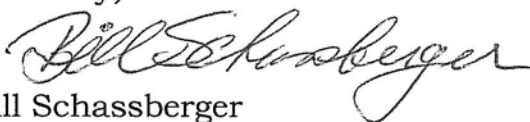
We also feel we can prevent some emergencies/crimes that might be perpetuated by individuals. To that end we have taken proactive measures to head off and hopefully prevent such an occurrence in our district.

We are proud of the Intervention Programs that we have in place. Our staff is sensitive to signs from students that reveal a possible danger to themselves or others and aggressively pursue remediation, including risk assessments when warranted.

In addition, our counseling department has an "open door" policy giving students access to services any time of the day. It also has an extensive referral list for students and families needing outside assistance. Finally, the district maintains a "Crisis Team" which mobilizes all district counselors, our psychologist and other staff trained in crisis intervention, to any site when needed.

We, at the Templeton Unified School District, are confident that the efforts we have put into emergency planning has prepared us to effectively handle a wide variety of possible emergencies should they occur at our school sites.

Sincerely,



Bill Schassberger
District Safety Coordinator

Cc: Deborah Bowers, Ed.D., Superintendent, T.U.S.D.
SLO Grand Jury
Julian Crocker, Ed.D., County Superintendent of Schools

B.K

San Miguel Joint Union School District

Lillian Larsen School

1601 "L" Street

San Miguel, CA. 93451

(805) 467-3216, Fax (805) 467-3410

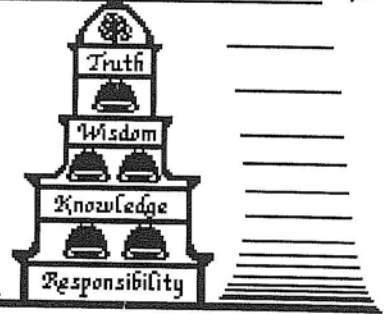
Cappy Culver School

11011 Heritage Ranch Loop Road

Paso Robles, CA 93446

(805) 227-1040, Fax (805) 227-1045

"Pointing the Way to Excellence"



September 15, 2008

Presiding Judge Martin Tangeman
Superior Court of California
1035 Palm room 385
San Luis Obispo, CA 93408

Dear Honorable Judge Tangeman:

The San Miguel Joint Union School District (SMJUSD) has received the San Luis Obispo County Grand Jury's Report on School Emergency Crisis Response Plans. As superintendent of SMJUSD, I can assure you that the District has a comprehensive Emergency Preparedness Plan that meets all of the State and Federal mandates for planning and training of District personnel and students. The plan is in compliance with the NIMS / SIMS requirements.

Each year emergency drills are conducted that involve the entire district staff, teachers / paraeducators and students. The local fire departments also take part in some of the drills. The emergency drills are evaluated by the fire departments and staff. The evaluation of the Emergency Preparedness Plan is ongoing. Recommendations are evaluated and implemented as necessary.

If you have any question or if I can be of further assistance, please call me at (805) 467-3216 x204.

Sincerely,

Dean Smith
Superintendent / Principal

Cc: File
Grand Jury
Jack Wood, Director of MOT, SMJUSD



BK

SHANDON

JOINT UNIFIED SCHOOL DISTRICT
101 SOUTH FIRST STREET, P.O. BOX 79, SHANDON, CA 93461

MR. CHRIS CRAWFORD
SUPERINTENDENT

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

July 8, 2008

San Luis Obispo Grand Jury,

The Shandon Joint Unified School District takes the safety of students and staff very seriously. The District annually reviews and updates the Shandon Emergency Crisis Plan utilizing input from staff, parents, students, fire and law enforcement departments. The school sites run monthly drills to test the effectiveness of the plan and documents those drills. Annually, a disaster is simulated to determine the preparedness of staff and students. Then the school's staff spend time analyzing the drill and fine-tuning the plan. This process is essential in assuring the safety of all. Thank you for spending time to assure the safety of all students in San Luis Obispo County.

Chris Crawford
Superintendent

10. WHERE CAN I PARK MY MOTORCYCLE?

FINDINGS

1. The City does not allow motorcycles to park in city public parking structures.
2. The City has stated there are technical concerns in allowing motorcycle access into the parking structures.

RECOMMENDATION

1. The City should review its procedures to accommodate safe and equal access for motorcycles in City parking structures. (Finding 1)

REQUIRED RESPONSES

1. San Luis Obispo City Council
2. San Luis Obispo City Administrator



city of san luis obispo

OFFICE OF THE CITY COUNCIL
990 Palm Street ■ San Luis Obispo, CA 93401-3249 ■ 805/781-7119

The Honorable Martin Tangeman, Presiding Judge
Superior Court of California
1035 Palm Street, Room 385
San Luis Obispo, CA 93408

Subject: 2007-08 Grand Jury Report – Where Can I Park My Motorcycle?

Dear Judge Tangeman,

The San Luis Obispo City Council discussed the Grand Jury Report titled “Where Can I Park My Motorcycle?” at its regularly scheduled meeting on October 7, 2008. The City Council appreciates the work of the members of the Grand Jury on this report and its focus on motorcycle parking in the downtown. The City Council directed staff to respond to this report accordingly.

In accordance with Penal Code §933(c), the following is the City of San Luis Obispo City Council’s response to the 2005-2006 Grand Jury Report

Grand Jury Finding 1: *The City does not allow motorcycles to park in city public parking structures.*

The City does not dispute this finding because it is correct. The City’s policy of restricting motorcycles in the parking structures has been in place for a very long time. The restriction was placed because of potential safety issues stemming from the inability of the parking structure’s gate arm detection systems to efficiently identify a motorcycle as they enter and exit the structures.

Grand Jury Finding 2: *The City has stated there are technical concerns in allowing motorcycle access into the parking structures.*

The City disagrees with this finding. It is more than a technical concern; it is a concern for the safety of motorcyclists and their passengers due to mechanical inabilities of the gate arm system to assure safe passage through the gates. In the pavement ahead of each gate arm, there are inductive loops that detect cars and trucks and command the gate arm to safely come up and go back down. This detection equipment has significant limitations in accurately executing the up and down commands when motorcycles pass over the loops. It is further complicated due to the varied use of aluminum and other metallic parts used in motorcycles that increase the difficulty of the loops to detect them. This loss or lessened “detection” is very significant because the gate arm can come down prematurely and strike the operator (or passenger) of the motorcycle causing injury or loss of control. While the detection equipment can determine that a motorcycle is present it cannot adequately detect when the motorcycle leaves the loop location – causing the gate arm to come down prematurely. The detection equipment can be adequately adjusted for

city of san luis obispo

most cars and trucks, but it cannot be adjusted well enough to ensure the safety of motorcyclists, or for staff to relax the restriction on motorcycle parking in the structures.

Grand Jury Recommendation 1: *The City should review its procedure to accommodate safe and equal access for motorcycles in City parking structures.*

Staff routinely reviews its parking structure practices and policies based on regular feedback. The structure access controls (or gate arm systems) are manufactured by Federal APD Inc. who was contacted during and after the Grand Jury investigation. Unfortunately, they cannot guarantee that the detection systems in use can adequately pick up motorcycles such that we would consider revising our current policy. Staff checked again with Federal APD as part of preparation for this report to find out if there have been recent changes that would allow motorcycles in our structures. They responded with the following:

“Federal APD requires that no motorcycles, bicycles or pedestrians traverse a traffic lane in which a barrier gate is controlling ingress or egress. This warning is clearly indicated on the warning labels placed both on the gate cabinet and gate arm.

The lane’s operation is controlled by a series of inputs from vehicle loop detectors that are essentially ferrous metal detectors. They detect a metal surface area passing through the electromagnetic field of the loop detector. If the metal surface area is irregular (like a motorcycle) or basically non-existent (as with a pedestrian or bicycle), the loop detector may not detect the object at all, or, detect but prematurely lose the detection of the object’s presence. Based upon where this occurs within the current lane workflow, the result could vary from nothing happening to the gate arm prematurely lowering.”

Federal APD Inc. also provided us further documentation available on their website as a “Safety Notice” (Attachment 2). Without the assurance that the system can adequately address motorcycle safety concerns, allowing access could lead to injuries and possible city liability. In addition to this primary concern, the ramp gradients, raised ceramic markers used for channelization, and the slow operating speeds during peak egress periods are also problematic for motorcycle use of our parking structures. For these reasons, staff continues to recommend the City maintain its policy of no access in the parking structures for motorcycles.

City of Sacramento Follow Up

One of the main points of the Grand Jury report was that the City of Sacramento made changes in their parking structure to accommodate motorcyclists. Our staff followed up with the City of Sacramento Parking office on this arrangement. Sacramento did in fact agree to allow motorcycles in one of their parking structures for a period of time to see if it would work. However, after experiencing continued instances of gate arms coming down on motorcyclists and pedestrians near their entrance and exit gates, the City stopped this practice. They met with local AMA representatives who agreed that the arrangement was not safe. The City of Sacramento and the AMA agreed to accommodate motorcycle parking on the street near this structure at no cost.

city of san luis OBISPO

Current Motorcycle Parking Benefits

The City does attempt to mitigate this restriction by providing alternative parking locations spread throughout the downtown area with special parking rates for motorcycles. In addition, motorcycle parking meters have been installed near the entrances to our Palm I and Marsh Street parking structures.

Motorcyclists push a button to obtain their 1st 60 minutes free (as other vehicles do in the structures) and then pay for any additional time above the first 60 minutes. However, there is one significant difference in the rate; they pay a lower rate of \$0.30 an hour as opposed to the \$0.75 an hour for structure users. The primary difference between a structure user and a motorcyclist is that they have to pay at the beginning of their stay rather than paying at the end. While some may comment that this amounts to unequal treatment, staff believes that the lower hourly rate adequately compensates motorcyclists for their prepayment.

Currently the City provides 31 motorcycle spaces in the Downtown in relation to 2,742 total parking spaces. These spaces are spread around the downtown to accommodate motorcycle parking. (See Attachment 3) Staff continues to monitor all motorcycle parking in the downtown and adds spaces as they are needed.

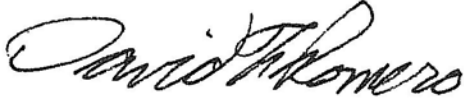
While motorcycle parking is restricted in our parking structures due to safety concerns, there are many other benefits provided motorcyclists under our current programs that are not extended to cars and trucks.

1. Lower Rates. Motorcycle meters are set at \$0.30 an hour as compared to the higher hourly parking rates of \$0.75 and \$1 an hour in the structures and metered spaces on our streets and parking lots.
2. Exclusive Parking. Motorcycle spaces are reserved exclusively for motorcycles and exclude cars and trucks from parking in these spaces.
3. More Parking Options. Motorcycles can park at the reserved motorcycle spaces and at any street or parking lot space. They can park at any regular space on street or in a parking lot. We even allow them to share parking spaces.
4. Less Restrictive Time Limits. Most of our downtown motorcycle spaces are in the 2-hour downtown commercial core where we want turn-over for customer parking. To accommodate long-term parking we have converted some motorcycle spaces to 10 hour metered parking. This is not offered to other long term parking customers who must park on the perimeter of the downtown.

city of san luis OBISPO

Thank you for the opportunity to comment on the Grand Jury's report. As demonstrated in the responses, we believe that the City is undertaking reasonable methods to both accommodate motorcycle parking and to ensure that they are protected from harm. Please contact me should you or any member of the Grand Jury have any additional questions.

Sincerely,

A handwritten signature in cursive script that reads "David F. Romero". The signature is written in black ink and is positioned above the printed name.

David F. Romero, Mayor
City of San Luis Obispo

11. IT'S NOT YOUR GRANDFATHER'S FIRE DEPARTMENT

FINDINGS

1. The volume of non-fire related calls has become the primary service provided by the Fire Department.
2. The Fire Department has received approval and funding to hire an independent consulting firm to review the Master Plan and the Standards of Coverage. The review will include but is not limited to;
 - Equipment and personnel needs
 - Current and future fire and emergency medical needs
 - Non-response related services such as prevention, training and administration
3. Other cities' have introduced an ambulance service to increase service levels while offsetting public safety costs.

RECOMMENDATIONS

1. The Fire Department should use the results of the independent study to determine whether equipment and Fire Department personnel are appropriate to meet changing department service demands. (Finding #2)
2. The Fire Department should evaluate the benefits versus costs of adding an ambulance service. (Finding #3)

REQUIRED RESPONSES

A response to the recommendations is required from both of the following:

- San Luis Obispo Mayor and City Council
- San Luis Obispo City Fire Chief



city of san luis OBISPO

B.K.

OFFICE OF THE CITY COUNCIL
990 Palm Street ■ San Luis Obispo, CA 93401-3249 ■ 805/781-7119

November 12, 2008

Presiding Judge Martin Tangeman
Superior Court of California
1055 Palm, Room 385
San Luis Obispo, CA 93408

Dear Judge Tangeman:

I concur with the comments expressed by Fire Chief John Callahan.

It is my belief that the Grand Jury's concerns will be addressed in the Fire Master Plan by the consultant CityGate. By completing an independent audit of the Fire Department and the community needs, recommendations will be presented to Council which will help Council to conclude whether equipment, deployment and Fire Department personnel are appropriate to meet changing service demands. Additionally this appraisal will allow Council to project future emergency loads within the City and where personnel and equipment should be located.

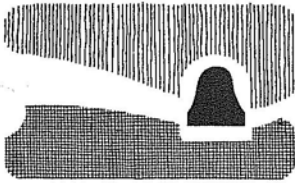
I agree that at this time the Council should review the results of the Master Plan to ascertain if one of their recommendations would be the addition of an ambulance service provided by the Fire Department. The difficulty of starting a separate ambulance service within the City is clearly stated in Chief Callahan's letter.

I, too, would like to thank the Grand Jury for its comprehensive review of the City's Fire Department.

Sincerely,

A handwritten signature in cursive script that reads "David F. Romero".

David F. Romero
Mayor



city of san luis obispo

FIRE DEPARTMENT

2160 Santa Barbara Avenue • San Luis Obispo, CA 93401-5240 • 805/781-7380



“Courtesy & Service”

November 12, 2008

Presiding Judge Martin Tangeman
Superior Court of California
1055 Palm, Room 385
San Luis Obispo, CA 93408

Dear Judge Tangeman:

First, I would like to thank the Grand Jury for the time they took to thoroughly examine the operations of the Fire Department; from interviews to touring the Department. Because of this I believe they have a good understanding of our procedures.

This letter is the requested response to the Grand Jury's Findings and Recommendations dated June 19, 2008.

Recommendation 1 – The Fire Department should use the results of the independent study to determine whether equipment and Fire Department personnel are appropriate to meet changing department service demands.

Response - On July 10, 2008 the City entered into an agreement with CityGate Corporation for the development of a Fire Master Plan. As part of the Master Plan a report will be developed to provide a comprehensive analysis of the Fire Department's ability to provide fire and emergency services to the community based upon the characteristics and demographics of the City using nationally accepted methods and a computer model. This report will explain existing performance capabilities within the City, and propose alternatives for future growth. When completed, this report will provide the main tool to allow the Council to evaluate and make decisions about the distribution and concentration of resources, which include personnel and equipment. The Fire Department Master Plan is expected to be presented to City Council in January of 2009.

Recommendation 2 – The Fire Department should evaluate the benefits versus costs of adding an ambulance service.

Response – Because the Department is participating in an in-depth audit of its operations and this subject has been discussed with the consultant, the final Master Plan should determine if Fire-based ambulance service is advised.



The City of San Luis Obispo is committed to include the disabled in all of its services, programs and activities.
Telecommunications Device for the Deaf (805) 781-7410.



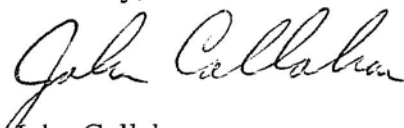
Presiding Judge Martin Tangeman
November 12, 2008
Page 2

Staff believes this is unlikely for the following reasons:

- The costs of adding an ambulance service operated by the Fire Department would far exceed revenues for years. The costs would include more personnel, equipment, and either expansion of stations or construction of new ones. This would be a burden to the already taxed City's financial situation.
- The current ambulance provider is in contractual agreement with the County of San Luis Obispo to provide ambulance services to our citizens. Providing a separate ambulance service would take years to complete and would be a long and difficult process.
- As part of the County contract, the City receives reimbursement from the local ambulance provider for first-response emergency medical services provided by this fire department in connection with emergency calls for medical assistance. First-response emergency medical services provided include, but are not limited to, initial stabilization and trained on-scene assistance, assistance en-route to medical facilities as required, and extrication/rescue services.

I want to thank the Grand Jury once again for taking an interest in this department and the vital services we provide. If you have any questions regarding this response, please contact me at 805-781-7390.

Sincerely,



John Callahan
Fire Chief

12. ANIMAL SHELTER SERVICES – WHAT’S GOING ON?

FINDING

The Jury was limited in its efforts to objectively and thoroughly review the Animal Services Division. Of particular importance were meetings held by the County that discussed current problems and potential solutions. While County staff may have had the legal authority to deny the Grand Jury’s request to attend these meetings, not being able to hear these discussions firsthand definitely impacted the Jury’s ability provide adequate oversight necessary to fully respond to the complaints. The meetings in question were:

- The Ad Hoc Group asked Jury members not to attend their meetings thereby limiting access to the material and relevant information needed for its investigation.
- The Grand Jury was barred from attending the HSUS exit briefing which would have provided the Jury with an independent, first-hand view of shelter issues and HSUS suggested solutions.

RECOMMENDATION

The Board of Supervisors should take steps to facilitate Grand Jury access to proceedings of the Board and its agencies where parallel reviews are taking place. The Jury should not be viewed as an adversary on these occasions rather as the county’s watchdog doing its job to provide independent and objective evaluation of county government.

REQUIRED RESPONSE

A Response to the recommendation is required from the San Luis Obispo County Board of Supervisors

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office	(2) MEETING DATE July 22, 2008	(3) CONTACT/PHONE Leslie Brown (805) 781-5011
(4) SUBJECT Response to the June 12, 2008 Grand Jury Report "Animal Services – What's Going On?"		
(5) SUMMARY OF REQUEST On June 12, 2008, the Grand Jury released a report titled "Animal Services – What's Going On?" addressing complaints received from citizens relating to operations and personnel at the County's animal shelter. The Grand Jury made one finding and one recommendation and has required the Board of Supervisors to respond to the recommendation. The attached report provides the recommended response for Board adoption.		
(6) RECOMMENDED ACTION It is recommended that your Board: 1) Adopt the responses in this report as the Board of Supervisors' response to the Grand Jury Report on San Luis Obispo County Animal Services, and 2) Direct staff to forward the adopted responses to the Presiding Judge of the Superior Court.		
(7) FUNDING SOURCE(S) N/A	(8) CURRENT YEAR COST N/A	(9) ANNUAL COST N/A
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A		
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): None		
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____		
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All	(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(15) Maddy Act Appointments Signed-off by Clerk of the Board <input type="checkbox"/> N/A
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)	(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A	
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____	(21) W-9 <input type="checkbox"/> No <input type="checkbox"/> Yes <i>N/A</i>	(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW This item was prepared by the Administrative Office.		

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM D430 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



DAVID EDGE
COUNTY ADMINISTRATOR

TO: Board of Supervisors

FROM: Leslie Brown, Administrative Analyst

DATE: July 22, 2007

SUBJECT: Response to the June 12, 2008 Grand Jury Report "Animal Services – What's Going On?"

Recommendation:

It is recommended that your Board adopt the responses in this report as the Board of Supervisors' response to the Grand Jury Report on San Luis Obispo County Animal Services. It is further recommended that the adopted responses be forwarded to the Presiding Judge of the Superior Court.

Discussion:

On June 12, 2008, the Grand Jury released a report addressing complaints received from citizens relating to operations and personnel at the County's animal shelter. Specifically, the concerns as perceived by the complainants related to the treatment of animals in the shelter including: medical treatment, abuse of animals by Honor Farm inmates, infractions of compliance with the Hayden Law related to the state mandated euthanasia protocol, personnel issues and a lack of standard operating procedures. In its report, the Grand Jury commended the County for forming an "Ad Hoc Group" to work on solutions to issues raised by volunteers at the shelter, and commended the Sheriff and Animal Services Manager for initiating an agreement with the Humane Society of the United States (HSUS) to conduct an outside evaluation of the Animal Services operation. However, the Grand Jury concluded that it was unable to either substantiate or refute the allegations primarily because it was not allowed to sit in on two of the many meetings County personnel and animal services volunteers have had. The Jury contends that because it was not permitted to attend an October 2007 meeting of the "Ad Hoc Group" or the verbal debrief of preliminary findings of the HSUS evaluation, it was limited in its ability to objectively examine and report on the concerns about Animal Services Division. Further, the Grand Jury did interview attendees from both meetings but considered their testimony as "hearsay", which they do not consider to carry the same weight as direct testimony and is "difficult to validate." (The definition of "hearsay evidence" in the 2006 edition of the Random House Unabridged Dictionary

is “testimony based on what a witness heard from another person rather than on direct personal knowledge or experience.”)

As a result of this report, the Grand Jury made one finding and one recommendation. The Grand Jury has required the Board of Supervisors to respond to the recommendation.

Finding:

The Jury was limited in its efforts to objectively and thoroughly review the Animal Services Division. Of particular importance were meetings held by the County that discussed the current problems and potential solutions. While County staff may have the legal authority to deny the Grand Jury’s request to attend these meetings, not being able to hear these discussion firsthand definitely impacts the Jury’s ability (to) provide adequate oversight necessary to fully respond to the complaints. The meetings in question were:

- *The Ad Hoc Group asked Jury members not to attend their meetings thereby limiting access to the material and relevant information needed for its investigation.*
- *The Grand Jury was barred from attending the HSUS exit briefing which would have provided the Jury with an independent first hand view of shelter issues and HSUS suggested solutions.*

Response to Finding

The Board disagrees with this finding. While it is true that the Grand Jury’s requests to attend the two meetings in question were denied, the Board believes that there were many more avenues available to the Grand Jury to gather information to ‘objectively and ‘thoroughly’ review the claims being made by the complainants, such as:

- Make successive visits to the shelter to observe the day to day operations with their own eyes. (Apparently, the Jury did make one site visit, but the results of this visit are not described in the report.)
- Review records maintained by the Animal Services Division (ASD) related to the euthanasia procedure to assess compliance with the Hayden Law.
- Subpoena and interview members of the AD Hoc Group about the issues raised and the strategies that will be employed to address them.
- Attend or request minutes of the Animal Services Volunteer Advisory Group meetings. This group was created in late February 2008 as a result of discussions by the AD Hoc Group to improve communication and teamwork between Animal Services personnel and volunteers.

Until the final HSUS report was available, there had been no professional, third party evaluation as to the quality of animal care and shelter management at Animal Services Division. Nonetheless, had the Grand Jury utilized such strategies to obtain more information, they may have discovered that, whether or not the allegations made by some of the volunteers were based in fact, Animal Services has taken these issues

seriously and has made substantial progress in developing systems and processes to improve the results for the animals in the shelter and for the community as a whole.

In addition, the statement in the Grand Jury report that “A review of these minutes (from the October and January AD Hoc Group meetings) showed that the AD Hoc Group had not specifically addressed many of the complaint issues described in Appendix A of this report.” is not accurate. The minutes from these meetings revealed that in fact the AD Hoc Group did discuss the very issues cited in Appendix A. A copy of a memo Supervisor Patterson sent to the Board of Supervisors and Legislative Assistants, dated February 28, 2008 was provided to the Grand Jury and substantiates this. This memo (copy attached) provided a summary of the AD Hoc Group discussions and the corrective actions that have been or will soon be put in place to address these issues. This memo was not referenced in the Grand Jury’s report. Many of the corrective action plans were developed by the Animal Services Manager in collaboration with the Volunteer Advisory Committee after the AD Hoc Committee completed their three meetings and would have been important to follow-up on and note in the Grand Jury’s report. In fact, most of the progress made at the County shelter has been made since the AD Hoc Group held its final meeting (January 2008).

The Grand Jury request to attend the debrief of the HSUS site visit was denied in part based on information from the HSUS that these debriefs often encompass discussion about specific personnel issues. Neither the County nor the HSUS deemed it appropriate for Grand Jury members to attend this debrief meeting due to this fact. Further, the information provided in the debrief was preliminary and not complete – the findings and recommendations from the HSUS evaluation were not fully fleshed out and finalized until the written report was completed. The Grand Jury has access to this written report, as does the public, now that it has been released.

Recommendation:

The Board of Supervisors should take steps to facilitate Grand Jury access to proceedings of the Board and its agencies where parallel reviews are taking place. The Jury should not be viewed as an adversary on these occasions rather as the county’s watchdog doing its job to provide independent and objective evaluation of county government.

Response to the Recommendation

The recommendation is already implemented. The Grand Jury is not viewed as “an adversary” and appropriate access to proceeding is available to the Grand Jury. The Board does not agree that additional access is required for the Grand Jury to conduct careful and diligent investigations.

Other Agency Involvement

None

Financial Considerations

There are no financial considerations related to the Grand Jury Report findings and recommendations or the response to the findings and recommendations.

Results

Adoption of the finding and recommendation will fulfill the County's obligation to respond to Grand Jury reports as specified in Section 933 of the Penal Code.

ATTACHMENTS

June 12, 2008 Grand Jury Report on San Luis Obispo County Animal Services

BOARD OF SUPERVISORS

1055 MONTEREY, ROOM D430 • SAN LUIS OBISPO, CALIFORNIA 93408-2040 • 805.781.5450



JAMES R. PATTERSON
SUPERVISOR DISTRICT FIVE

TO: Board of Supervisors and Legislative Assistants

FROM: James Patterson, 5th District Supervisor

DATE: February 28, 2008

SUBJECT: Informational Update on Activities on Behalf of Animal Services

Constituent/Volunteer Concerns:

In response to concerns voiced by constituents and volunteers at the Animal Services shelter, Supervisors Jim Patterson and Bruce Gibson hosted a series of facilitated meetings to allow shelter volunteers to express their concerns and to work with staff to develop strategies to address their priority issues. The first of three meetings was held October 5, 2007.

The key goals identified by the volunteers included:

1. Consistent compliance with the Hayden Law – AB 1842 (This legislation went into effect July, 2001, to make public shelters more accountable and to give the public more time to find lost animals and more "work friendly" hours to go to the shelters. Subsequently, this Law also provided owner-surrendered animals the same amount of time - four to six business days, not including the day of impoundment - to remain alive before being eligible for euthanasia.)
2. Responsible and involved management, with clear policies and procedures
3. Improved cleaning crew and quality of work (currently, cleaning is done by Honor Farm inmates)
4. Qualified and suitable staff at all levels of the Animal Services Division organization (staff in each position have the skills, knowledge and abilities required to perform successfully)

Several of the solutions the volunteers called for have been (or are in the process of being put into effect):

- a) Rescue persons and organizations will now be contacted as soon as it becomes clear that the shelter is facing an overcrowding situation. This is intended to reduce the risk of euthanasia of eligible animals for the reason of making room for new intakes.
- b) A policy manual has been drafted, reviewed by SLOCEA, and will soon be distributed to ASD staff. A second version of this manual focusing on how the policies relate to volunteers is also under development, with support from John Schwind, Risk Management, and is expected to be released within the next few weeks. Together, these should clarify the role and responsibilities of both staff and volunteers.

A4-6
7/22/2008

- c) Standard operating procedures covering such processes as the animal intake process, animal evaluation (temperament testing), fostering and rescue of animals, medical rounds and information dissemination, infection and disease control, cleaning of cages and yards, feeding of animals, volunteer access to quarantined animals etc. are being developed by Dr. Anderson. This documentation process has begun and will continue in earnest upon release of the first draft of the Volunteer Policy. This effort is expected to improve conditions for staff, volunteers and the animals and diminish confusion, inconsistency, misinformation, etc.
- d) Dr Anderson now holds office hours two days a week to provide a standing time for volunteers to discuss concerns with him. One day of office hours will be held on the shelter side, which will also expand the time that he spends working in the shelter.
- e) To further create a venue for volunteer input and information sharing, a Shelter Team, comprised of the Animal Services Division Manager, the Animal Shelter Coordinator, and six volunteer representatives, has been established.

Transition of Animal Services from Sheriff's Department

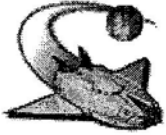
Leslie Brown, Admin, has been heading up the research and information collection involved in identifying the best model for placing / structuring Animal Services Division (ASD) out of the Sheriff's Department. As part of the information gathering, focus groups with ASD staff and volunteers have been held to gather their concerns and ideas. Another component involves the shelter assessment by the Humane Society of the United States (HSUS). This assessment; data compilation and public comment on-going since January and site visit scheduled for March 18-20th, will provide an external source of information as to the operations and conditions at the Shelter. Leslie intends to update the Board on the transition's progress and status at our March 25, 2008 Board meeting.

Additionally, as the above activities have progressed, ASD staff recently expressed concern through their union representative about the role of volunteers, the access they have to staff work areas and the tensions that exist between some of the staff and volunteers. To respond to this, John Schwind has investigated this complaint and is leading the effort to establish a policy framework outlining the respective roles and responsibilities of the volunteers, facility access limitations; code of conduct, etc (see item 'b' above). This framework likely will change how the volunteers are used in shelter operations. John is trying to ensure that the respective roles and responsibilities of staff and volunteers ensure shelter safety for all and are supportive of the overall organization. He will be looking at volunteer programs and policies used by other County departments as well as other successful shelter operations.

Attached is a Memo sent by the Animal Services Manager describing various initiatives underway, including some mentioned above. We want to keep you informed as we progress through these efforts in case you receive calls from volunteers, the press or other constituents.

If you have any questions, please do not hesitate to contact me or my legislative assistant, Amy Gilman.

Cc: County Administrative Office
County Grand Jury



Eric Anderson/Sheriff/COSLO

02/22/2008 10:54 AM

To ASD_Staff, BOS_Legislative Assistants, David
Edge/Admin/COSLO@Wings, Gail
Wilcox/Admin/COSLO@Wings, Deb

cc

bcc

Subject Animal Services Update

February 21, 2008

To: All Parties Interested in the Animal Services Division Transition

From: Dr. Eric Anderson, Animal Services Manager

Thank you all for your continued interest in the Animal Services Division of the SLO County Sheriff's Department. As you know, the Division is in a time of evaluation and transition, and I wanted to communicate to you about the various efforts we have commenced towards the improvement of our vital, effective Animal Care and Control operation.

Through the course of 2007, a number of events have prompted renewed attention to the operations of the Animal Services Division (ASD). In late 2007 the Sheriffs Department announced that they will seek to relinquish control of the ASD and requested that the Board of Supervisors consider making Animal Services a stand-alone department. This has created an opportunity to revise and/or restructure the Animal Services Division and therefore an initiative is underway to evaluate and produce viable options.

At the same time, there are the day-to-day matters of operating the facility that require immediate attention in order to ensure a safe workplace and effective animal care and control for the County. As you read about the efforts we have begun regarding the ASD, please keep in mind the context of any one effort. Some are aimed more at the long term restructuring of the Division, while others are focused on immediate needs. Please also know that your constructive input is valued for each initiative.

There are four concurrent 'projects' presently underway: 1) HSUS evaluation, 2) Focus groups for transition, 3) Safety-driven Shelter Policy 4) Shelter SOPs. While these initiatives are all naturally intertwined, the latter two of these are intended to address the immediate needs for improved controls and safety at the facility. Any and all efforts are subject to review and revision as information and opinions about the final structure of Animal Services come into greater focus.

1) As reported in the media recently, The Humane Society of the United States has begun an evaluation of the Division and specifically of the shelter operation. At this time, the HSUS is soliciting public comment and gathering background information. This process will be followed by a site visit on March 18-20, in which HSUS experts will take a closer look at all aspects of Animal Services' operations. This effort is aimed at establishing a baseline evaluation, recognizing those things we are doing well, identifying objectives for improvement, and recommending an organizational outline for the future ASD. Please note that this is the public comment period for this initiative, and anyone may submit written comments to HSUS by Monday February 25, 2008 to: Beau Archer, Shelter Services Coordinator, HSUS Animal Services Consultation at Fax 301-258-3081 or e-mail asc@humanesociety.org.

**13. REVIEW OF LAW ENFORCEMENT INSPECTIONS
IN SAN LUIS OBISPO COUNTY**

NO RESPONSES REQUIRED

14. CALIFORNIA MEN'S COLONY FROM THE INSIDE

CONCLUSION

After several visits and interviews with question and answer periods, the Grand Jury concludes that CMC is well managed. Staff appeared professional in performing their duties. Moreover, we observed staff and inmates showing respect for one another. With the overcrowding and the antiquated facility, the Grand Jury concludes CMC functions well in part because of inmate cooperation and well trained staff. Our community should be pleased to know that CMC is providing rehabilitation programs. All at CMC should be commended for creating such a positive prison environment.

NO RESPONSES REQUIRED

15. SAN LUIS OBISPO COUNTY JAIL

CONCLUSION

While the overcrowding has been a major problem for several years, it is the Grand Jury's opinion that the facility continues to operate efficiently. The chart above provides a summary of Average Daily Population and highlights the ongoing chronic overcrowding problem. The County must find the necessary funds to construct the new Women's Jail and Medical facility.

NO RESPONSES REQUIRED

16. SHORT TERM HOLDING CELLS

FINDINGS

The Grand Jury found the short term holding cells within the County of San Luis Obispo to be clean, well maintained and professionally managed.

NO RESPONSES REQUIRED