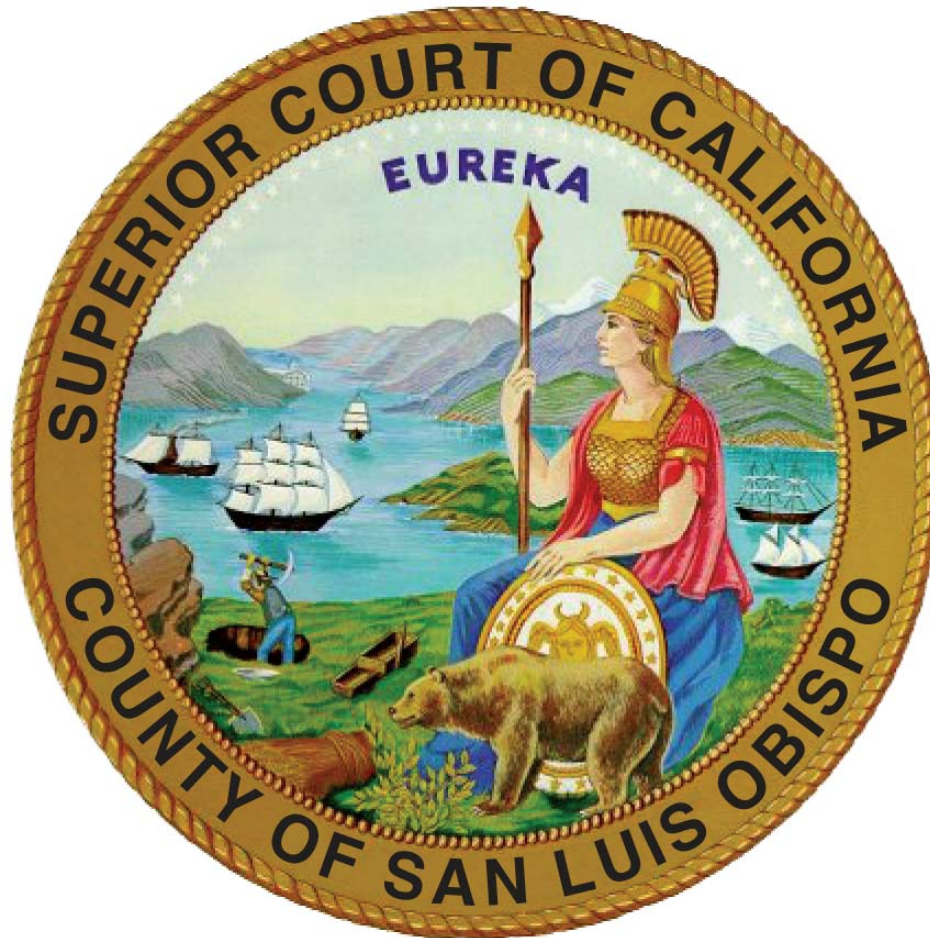


San Luis Obispo County Grand Jury



2006-2007 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/grandjury

2006-2007 GRAND JURY FINAL REPORT RESPONSES

FOREPERSON'S STATEMENT

The end of each Grand Jury's term is marked by the publication of its final or compilation report of all the investigations it undertook during its term. The sitting Grand Jury breathes a huge sigh of relief as it relinquishes its post and the new Grand Jurors are sworn in and begin the investigative process anew.

A part of the process that can easily be overlooked is what happens *after* the release of the reports: the responses to the reports by the agencies.

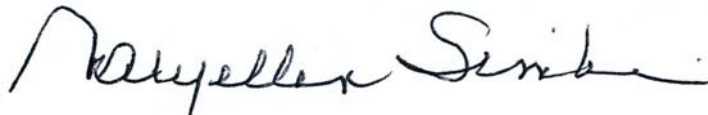
The authority of the Grand Jury is to make recommendations – to shine a light on what's going on in the county, the cities within the county and the unincorporated areas of the county. That light can reflect all that is good about our various governmental and quasi-governmental agencies as well as to point out areas for improvement. Once those recommendations are made, however, the question of how and whether the recommendations will be implemented arises.

The responses to the Grand Jury reports are the beginning of that process. Does the agency agree with the recommendation? or not? Is it feasible? or not? What are the other ramifications of the recommendation?

Some reports are informational only and do not include recommendations. Those reports do not require a response from the subject agency. Some reports include commendations for a job well done and do not require a response either.

Taken as a whole, the findings and recommendations of the 2006/2007 Grand Jury were overwhelmingly agreed with by the effected agencies. Many recommendations are either in the process of being put into practice or have already been implemented. Some require further analysis and budgetary consideration.

The 2006/2007 Grand Jury shined its light and revealed some areas of government that need improvement. It also revealed many jobs well done.



Maryellen R. Simkins, Foreperson
2007/2008 San Luis Obispo County Grand Jury

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INVESTIGATIVE REPORTS

1. DIABLO CANYON: SAN LUIS OBISPO'S KATRINA?

FINDINGS

1. Because of their proximity, residents of Avila Beach are understandably most concerned about limited emergency evacuation routes. . The county has been successful in working cooperatively with the private property owner of the Avila Beach Resort and Golf Course. For residents on the south side of Avila Beach, the Cave Landing to Bluff Drive route, originally considered as a possible exit, seems like an obvious alternative. The existing dirt road should be upgraded and designated as another alternative evacuation route from Avila Beach.
2. Emergency responders repeatedly stress the need for all residents to be self-sufficient for at least 72 hours. As one Emergency Services Coordinator put it, "Planning starts at the individual level and moves out from there." However there is limited information about what people need to do to prepare to be self-sufficient.
3. The very successful meeting on emergency planning for people with special needs was specifically for providers in licensed county facilities. It did not include special needs residents who are living on their own with family or professional assistance.
4. Liquid potassium iodide especially prepared for infants and children, the most vulnerable population to radiation, is not readily available. The information in the AT&T telephone book about potassium iodide is insufficient and outdated. Currently the State of California does not stock liquid KI.

RECOMMENDATIONS

1. The Office of Emergency Services should work with private owners San Miguelito Partners to explore the addition of Cave Landing to Bluff Drive as an alternative emergency exit from Avila Beach. (Finding 1)
2. Information about self-sufficiency, how to prepare a 72 hour emergency kit, and how to obtain potassium iodide as an individual should be developed and mailed directly to county households annually. As part of this mailing, information about CERT (Community Emergency Response Team) should also be included. This could be included in the annual Disabled Registration card mailer or sent as a separate mailer to all county residents. (Finding 2)
3. Using the Disabled Registration cards, OES should organize meetings with independent special needs residents and their caretakers to discuss emergency response and self-sufficiency. (Finding 3)
4. An information sheet about potassium iodide should be prepared for distribution to county obstetricians and pediatricians. OES should review all information in the AT&T telephone book headed "Nuclear Emergency Information" for currency, accuracy and clarity. Particular attention should be paid to the section on potassium iodide. (Finding 4)

REQUIRED RESPONSES

1. San Luis Obispo County Office of Emergency Services: Due (All Findings and Recommendations)
2. San Luis Obispo County Health Officer: Due (Findings and Recommendations 3 & 4)
3. San Luis Obispo County Board of Supervisors: Due (All Findings and Recommendations)

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

(1) DEPARTMENT Administrative Office		(2) MEETING DATE March 13, 2007		(3) CONTACT/PHONE Ron Alsop (805) 781-5011	
(4) SUBJECT It is recommended that your Board adopt the attached responses from the Office of Emergency Services and the Health Agency as the Board of Supervisor's response to the 2006-2007 Grand Jury reported titled "Diablo Canyon: San Luis Obispo's Katrina?"					
(5) SUMMARY OF REQUEST The Grand Jury has issued an interim report regarding emergency preparedness and planning efforts related to Diablo Canyon. The report requires responses from the Office of Emergency Services, the County Health Officer, and the Board of Supervisors. This is a request that your Board adopt the responses from OES and Public Health as the Board of Supervisor's response to Grand Jury Findings 1 through 4 and Recommendations 1 through 4.					
(6) RECOMMENDED ACTION It is recommended that your Board adopt the attached responses from the Office of Emergency Services and the Health Agency as the Board of Supervisor's response to the 2006-2007 Grand Jury reported titled "Diablo Canyon: San Luis Obispo's Katrina?"					
(7) FUNDING SOURCE(S) Budgeted funds		(8) CURRENT YEAR COST \$4,000		(9) ANNUAL COST \$4,000	
(10) BUDGETED? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Sheriff and Undersheriff, Pacific Gas and Electric Company representatives, San Luis Obispo County and San Luis Obispo city Community Emergency Response Team program coordinators, board members from the Mothers for Peace, a number of local pharmacies, and the Public Works Department.					
(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 checked="" 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) N/A		(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 <p align="right">3-13-07</p> <p align="center">B-16</p>					

County of San Luis Obispo

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



DAVID EDGE
COUNTY ADMINISTRATOR

TO: Board of Supervisors

FROM: David Edge, County Administrator

DATE: March 13, 2007

SUBJECT: Response to the 2006-2007 Grand Jury Report "Diablo Canyon: San Luis Obispo's Katrina?"

Recommendation

It is recommended that your Board adopt the attached responses from the Office of Emergency Services and the Health Agency's Public Health Department as the Board of Supervisor's response to the 2006-2007 Grand Jury reported titled "Diablo Canyon: San Luis Obispo's Katrina?"

Discussion

The Grand Jury issued an interim report regarding emergency preparedness and planning efforts related to Diablo Canyon. In particular, a question noted in the introduction portion of the report asks "If there were a disaster at Diablo, would our emergency response system respond effectively?"

The report focused on several items of particular interest including the availability of evacuation routes, particularly from Avila Beach; interagency communication and communication with the public; emergency response plans for the disabled; information about sheltering-in-place; and potassium iodide distribution.

The conclusions portion of the report stated "Could there be another Katrina in San Luis Obispo County? Clearly the answer is no. That said, there are several areas where current procedures should be reviewed." The report went on to make four findings and four recommendations.

Administrative Office staff have evaluated the Grand Jury report and the responses prepared by the Office of Emergency Services (OES) and the Public Health Department. We recommend that your Board adopt the response from OES and Public Health as the Board of Supervisor's response to Grand Jury Findings 1 through 4 and Recommendations 1 through 4. Since two of the responses are required to be responded to by both OES and the County Health Officer, each responded within the context of their respective authorities, expertise, and operations. The responses are attached to this Board letter.

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Other Agency Involvement

While only OES, the County Health Officer, and the Board of Supervisors are required to respond to this report, Grand Jurors contacted a number of people and agencies during their investigation. These included the County Sheriff and Undersheriff, Pacific Gas and Electric Company representatives, San Luis Obispo County and San Luis Obispo city Community Emergency Response Team program coordinators, board members from the Mothers for Peace, a number of local pharmacies, a Deputy County Administrator and an OES Emergency Services Coordinator.

Financial Considerations

No significant expenses are anticipated by adopting the agreed upon recommendations as noted in the OES and Health Agency responses to the Grand Jury report. It is anticipated a total of \$4,000 from existing budgeted funds will be expended for staff and support costs such as updating potassium iodide fact sheets, continuing to monitor development and related activity near Cave Land Road, and related ongoing costs. Any costs for additional projects are anticipated to be offset with new revenue.

Results

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

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County of San Luis Obispo

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



DAVID EDGE
COUNTY ADMINISTRATOR

TO: David Edge, County Administrative Officer
Gail Wilcox, Assistant County Administrative Officer

FROM: Ron Alsop, Office of Emergency Services *Ron Alsop*

DATE: March 1, 2007

SUBJECT: **RESPONSE TO 2006-2007 GRAND JURY REPORT: "DIABLO CANYON: SAN LUIS OBISPO'S KATRINA?"**

OES has received and reviewed the above titled Grand Jury report. The report focused on several items of particular interest including the availability of evacuation routes, particularly from Avila Beach; interagency communication and communication with the public; emergency response plans for the disabled; information about sheltering-in-place; and potassium iodide distribution.

Response to specific findings and recommendations as required by OES are as follows:

Finding 1

Because of their proximity, residents of Avila Beach are understandably most concerned about limited evacuation routes. The county has been successful in working cooperatively with the private property owner of the Avila Beach Resort and Golf Course. For residents on the south side of Avila Beach, the Cave Landing to Bluff Drive route, originally considered a possible exit, seems like an obvious alternative. The existing dirt road should be upgraded and designated as another alternate evacuation route from Avila Beach.

We partially agree with the finding. OES encourages alternate travel routes out of any particular geographic area be in place for use during an emergency and that certainly includes the Avila Beach area. As noted in the Grand Jury report, County emergency plans do have designated alternate routes and methods out of the Avila Beach area.

However, while Cave Landing Road to Bluff Drive does seem like an obvious alternative - currently it is not passable by vehicles but it could be used by people to travel by foot over Cave Landing Road and into Pismo Beach, where they could be picked up by vehicles and moved out of the area - what is not so obvious are potential geologic, fiscal,

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and other challenges related to redeveloping a useable road through Cave Landing to Shell Beach. The hillside has potential for geologic instability issues and the cost to construct a roadway through the area which was damaged by a washout and a large landslide in 1995 is estimated by County Public Works to be approximately \$5,000,000 - \$6,000,000.

There are also other stakeholders who would have a role in the process of potentially reconnecting Cave Landing, including the California Coastal Commission regarding coastal development, the City of Pismo Beach, the Shell Beach neighborhood (where Cave Landing Road traffic would impact) that is now residential and was developed with the understanding that Cave Landing Road would not be re-opened.

These challenges currently prevent the road from being rebuilt to conditions which would make it passable for vehicles.

Finding 2

Emergency responders repeatedly stressed the need for all residents to be self sufficient for at least 72 hours. As one Emergency Services Coordinator put it, "Planning starts at the individual level and moves out from there." However there is limited information about what people need to do to prepare to be self sufficient.

We agree with the need for all residents to be self sufficient for at least 72 hours. We disagree with the finding that there is limited information about what people need to do to be self sufficient. It is certainly true that emergency planning starts at the individual level as well as the family level. Personal preparedness is a very important responsibility and we should all be prepared to sustain ourselves for at least 72 hours without outside assistance. There are actually many self preparedness information materials readily available for individuals or groups, from several sources. There are national and statewide media campaigns urging people to prepare and information is readily available on federal, state, and local agency Web sites. Pamphlets and other documents on many preparedness issues are readily available from the San Luis Obispo County Chapter of the American Red Cross (which includes information jointly developed and produced by the Federal Emergency Management Agency and the Red Cross). The State Office of Emergency Services produces preparedness information, and basic information on how to be prepared – including basic information on stocking emergency supplies – is contained in the "First Aid and Survival Guide" white pages section of the AT&T telephone book. In addition, Community Emergency Response Team (CERT) programs to develop communitywide citizen support systems are available through local fire agencies.

Finding 3

The very successful meeting on emergency planning for people with special needs was specifically for providers in licensed county facilities. It did not include special needs residents who are living on their own with family or professional assistance.

We agree with the finding. The noted meeting on emergency planning for people with special needs was a 2006 workshop targeted toward vulnerable population care providers

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and those professionals providing in home services. OES is working with the Long Term Care Ombudsmen's Office, Area Agency on Aging, the American Red Cross, San Luis Obispo Regional Center, the Economic Opportunity Commission, and the Public Health Department to offer another workshop in June 2007. OES is currently working on potential funding sources, including potential State Department of Health Services monies, so the workshop can be expanded to include child care providers and special needs individuals living on their own.

Finding 4

Liquid potassium iodide especially prepared for infants and children, the most vulnerable population to radiation, is not readily available. The information in the AT&T telephone book about potassium iodide is insufficient and outdated. Currently the State of California does not stock liquid KI.

We agree with the finding. As much information as possible on any item that may be of benefit to protecting the public health and safety in the event of an emergency should be readily available. OES will strongly encourage the State to make updated information on potassium iodide available (note: potassium iodide is often referred to by its chemical identifier of KI).

We agree that all entries under the heading "Nuclear Emergency Information" in the AT&T telephone book should be current, accurate, and up to date. It so happens the timing of the Grand Jury review was just prior to the release of the current 2006 edition of the AT&T telephone book, which does have updated contact information for the State Office of Emergency Services as a source to obtain information on potassium iodide. OES works closely with PG&E on updating the information in the AT&T telephone book each year and we will pay special attention to potassium iodide for the next edition.

Since stockpiling potassium iodide is the responsibility of the State of California we will pass on the reference by the Grand Jury related to stocking liquid KI to the State Office of Emergency Services.

Recommendation 1

The Office of Emergency Services should work with private owners San Miguelito Partners to explore the addition of Cave Landing to Bluff Drive as an alternative emergency exit from Avila Beach. (Finding 1)

This recommendation has not been implemented. Although Cave Landing Road was passable by vehicles prior to a large landslide and washout during the winter of 1995 and it does remain a legally dedicated roadway, as noted in our response to Finding 1 it is currently not feasible to re-construct the road or bridge over the gap left by landslides. However, OES will indeed continue to - as we have been doing and as suggested in the Grand Jury report - monitor private development in the area for an opportunity to work with a private land owner or others on the potential of developing an emergency egress road through the area in the future.

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Recommendation 2

Information about self sufficiency, how to prepare a 72 hour emergency kit, and how to obtain potassium iodide as an individual should be developed and mailed directly to county households annually. As part of this mailing, information about CERT (Community Emergency Response Team) should also be included. This could be included in the annual Disabled Registration card mailer or sent as a separate mailer to all county residents. (Finding 2)

This recommendation has not been implemented. As noted in our response to Finding 2, there is a lot of information available on how to be self sufficient and prepared. Encouraging all citizens to be prepared to be on their own for 72 hours or more is not only a local government responsibility but a state and national one as well. While the suggestion to mail information directly to county households on an annual basis is certainly laudable, since so many other sources of information exist we think it is in the best interest of taxpayer funds and OES service levels to continue to allow the organizations noted in our response to Finding 2 to provide this information. In addition, the related logistical costs such as staff time and material costs would require an expansion of the service level OES currently provides on behalf of all of our citizens and visitors. We support this concept but since so many other resources exist to make the information readily available it would be more efficient for OES to support a sponsored mailing by businesses or community organizations. Some of the existing media campaigns include the statewide preparedness campaign "Be Ready!" led by California First Lady Maria Shriver in partnership with agencies such as the American Red Cross and the State Office of Emergency Services, and the federal Department of Homeland Security's ongoing "Ready.gov" campaign. In addition, the San Luis Obispo County chapter of the American Red Cross provides actual presentations to local groups countywide on how individuals can be prepared for disaster. In summary, we feel an additional preparedness campaign by County OES would duplicate existing efforts. However, we will look into the possibility of using future funding sources – such as federal grants – to work cooperatively with other organizations on the concept of at least an occasional mailing to individuals, which could include local CERT information.

Recommendation 3

Using the Disabled Registration cards, OES should organize meetings with independent special needs residents and their caretakers to discuss emergency response and self sufficiency. (Finding 3)

This recommendation requires further analysis. While OES recognizes it would be beneficial to meet with independent special needs residents and their caretakers that is a task for which our office alone does not have the expertise or resources to pursue. Working with other appropriate agencies, we will explore the resources necessary to accomplish this recommendation. The scope and parameters of our follow up analysis include, as noted in Finding 3, working cooperatively with other organizations to pursue funding sources so a planned June 2007 workshop can hopefully be expanded to include child care providers and special needs individuals living on their own and their caretakers. Should we determine prior to June that it will not be possible to expand the

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planned workshop, we will through joint efforts with other appropriate organizations continue to look for partnership opportunities and funding to provide future workshops.

Recommendation 4

An information sheet about potassium iodide should be prepared for distribution to county obstetricians and pediatricians. OES should review all information in the AT&T telephone book headed "Nuclear Emergency Information" for currency, accuracy and clarity. Particular attention should be paid to the section on potassium iodide. (Finding 4)

This recommendation related to the AT&T telephone book has been implemented. We agree that all entries under the heading "Nuclear Emergency Information" in the AT&T telephone book should be current, accurate, and clear. The telephone book information is reviewed and updated annually. Simply due to the timing of the Grand Jury research the current 2006 edition of the AT&T telephone book, including an updated telephone number to contact State OES regarding potassium iodide issues, had yet to be published. However, OES will ensure each annual review is done as thoroughly as possible, including future information on potassium iodide. The recommendation related to providing an information sheet about potassium iodide has not been implemented by OES, since that is beyond our authority and expertise. However, this recommendation has been responded to separately by the County Health Officer.

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SAN LUIS OBISPO COUNTY HEALTH AGENCY

PUBLIC HEALTH DEPARTMENT

2191 Johnson Avenue • P.O. Box 1489
San Luis Obispo, California 93406
805-781-5519 • FAX 805-781-1048

Jeff Hamm
Health Agency Director

Gregory W. Thomas, M.D., M.P.H.
Health Officer/Public Health Administrator

TO: Gail Wilcox, Assistant County Administrator
Dan Buckshi, Administrative Analyst

FROM: Gregory W. Thomas, Health Officer

DATE: February 27, 2007

SUBJECT: Response to Grand Jury Report on Diablo Canyon: San Luis Obispo's Katrina?

The Health Officer's response was requested by this Grand Jury Report:

Finding #3:

The Health Officer agrees with this finding.

Finding #4:

The Health Officer agrees with this finding.

Recommendation #3:

This recommendation requires further analysis. While it would be beneficial to meet with independent special needs residents and their caretakers, that is a task which no single agency can accomplish. The scope and parameters of our follow up analysis include working cooperatively with the Office of Emergency Services (OES) to pursue funding sources so a planned June 2007 workshop can hopefully be expanded to include child care providers and special needs individuals living on their own and their caretakers. Should we determine prior to June that it will not be possible to expand the planned workshop, we will continue working with OES and other appropriate organizations to look for partnership opportunities and funding to hopefully provide future workshops.

Recommendation #4:

The Health Officer agrees with this recommendation.

The attached memo and Potassium Iodide Fact Sheet for Medical Providers was distributed in 2002 and 2003. An updated memo and the attached Fact Sheet will be sent to all obstetricians and pediatricians in San Luis Obispo in the next 2 months and placed on the Health Agency, Public Health website.

Sincerely,

Gregory W. Thomas, MD, MPH, Health Officer

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County of San Luis Obispo • Public Health Department

2191 Johnson Avenue • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5519 • Fax: (805) 781-1048

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

To: Physicians, San Luis Obispo County
From: Greg Thomas, M.D., M.P.H., Health Officer
Date: June 13, 2002
Re: Potassium Iodide (KI)

We have received telephone calls regarding potassium iodide from physicians who are getting questions from patients. A potassium iodide medical fact sheet for physicians is attached.

Recent newspapers/media stories have reported that the State of California requested KI from the Nuclear Regulatory Commission (NRC). This is due to a change in 2001 of a NRC rule "to require States consider the use of KI as a protective measure for the general public that would supplement sheltering and evacuation to help prevent thyroid cancers in the unlikely event of a major release of radioactive iodine from a nuclear power accident. The NRC offered to provide an initial supply of KI tablets for those living within 10 miles of a nuclear power plant." (California DHS KI memo 02/02).

It is critical to emphasize that KI only prevents uptake of radioactive iodine by the thyroid. It is neither a "radiation pill" nor a medicine "to build up immunity to radiation."

A state-local government KI task force will reconvene June 28, 2002 to discuss KI. If patients are determined to purchase KI at this time, there are three web vendors we are aware of (no endorsement intended):

www.anbex.com
www.ki4u.com
www.nukepills.com (toll free telephone # 1-866-283-3986)

If you have questions, you may contact my office at (805) 781-5519.

Attachment: Potassium Iodide Fact Sheet

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County of San Luis Obispo • Public Health Department

March 14, 2003

2191 Johnson Avenue • P.O. Box 1489
San Luis Obispo, California 93406
805-781-5520 • FAX 805-781-1048

Gregory W. Thomas, M.D., M.P.H.
County Health Officer
Public Health Department Director

PHYSICIAN / MEDICAL PROVIDER POTASSIUM IODIDE FACT SHEET

Mechanisms of KI – how it works:

1. Saturates the thyroid gland with stable iodine and reduces rate of uptake of iodine (including any radioactive iodine (RAI)).
2. A large bolus of iodine shuts down the transport of iodine into the gland and stops the manufacture of thyroid hormones. It lasts for 24 to 48 hours in most people followed by an "escape" mechanism that returns thyroid function to normal.
3. Increases elimination of iodine by the kidneys.
4. Dilutes the amount of radioactive iodine in the body with a large amount of stable iodine, making the radioactive form proportionally less likely to be absorbed.

Iodine absorption, metabolism and excretion:

(applies to radioactive as well as stable iodine)

Absorption:

When inhaled, 100% of iodine is rapidly absorbed in the body within 10 to 20 minutes. From the GI tract absorption is also nearly 100%. In newborn infants absorption may be only 30-70%.

Metabolism:

Iodine is taken up into the thyroid and used to make thyroid hormones. The rate-limiting step is transport into the thyroid gland. The amount of uptake varies by age and by prior dietary iodine intake. In the US, an average of 15-20% of an iodine dose is taken up by the thyroid. In countries with low dietary iodine, iodine uptake may be as high as 40-50%. Uptake in females is 10-30% higher than in males, and newborns (within 1st 10 days) may take up as much as 70% of an administered dose.

Elimination:

The biological half-life of iodine in the thyroid ranges from 11-15 days in newborns - 1 yr old, to 80 days in adults. The half-life of elimination from the rest of the body ranges from 15 days in a 3-month-old infant, to 90 days in an adult. Radiologic half-life of I-131 is 8 days.

Effectiveness of KI administration in relation to time of exposure:

Blockade of RAI uptake when KI is administered PRIOR to exposure:

- 97-99% when given immediately before exposure
- 90% when given 12 hours before exposure
- 60% when given 24 hours before exposure

Blockade of RAI uptake when KI is administered AFTER exposure:

- 50% when given 3 to 4 hours after exposure
- Not likely to be effective by 6 to 10 hours after RAI exposure, unless exposure is ongoing and cannot be prevented by other means.

Recommended Dose of KI

New FDA recommendations (2002):

Threshold Thyroid Recommended Doses of KI for Different Risks Groups;		
	Predicted Thyroid Exposure (rad) greater than or equal to:	KI Dose (mg)
Adults over 40 years	500	130
Adults over 18 years up to 40 years	10	130
Pregnant or lactating women	5	130
Adolescent – 12 years to 18 years	5	65-130 (depending on size)
Children - 3 years to 12 years	5	65
Over 1 month up to 3 years	5	32
Birth – 1 month	5	16

WHO recommendations:

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These are the same, except WHO recommends giving KI to pregnant and lactating women, and children (<18 years old), when exposures are predicted to be 1 rad to the thyroid. They also recommend giving the adult dose (130 mg) after age 12.

Formulations of stable iodine:

Potassium iodide, (KI) 130 mg/tablet

- Available from several manufacturers in the US.
- Shelf life may vary by manufacturer (range 5-11 years)
- Contains small amounts of potassium (~31 mg per tablet).

SSKI, (Super saturated KI) 3 drops = 130 mg

Iodized salt contains only 0.418 mg iodine per teaspoon.

Risks and Side effects of KI

Thyroidal

Most of these effects have been seen in cases of large or prolonged administration and are unlikely to occur with a short-term exposure.

Hypothyroidism (transient or permanent) – In most people it is only temporary, but in third trimester fetus or newborns hypothyroidism may be permanent. Can also occur in people with underlying thyroid disease.

Hyperthyroidism – in patients with pre-existing thyroid disease a sudden load of iodine can precipitate a severe excess production of thyroid hormone (thyrotoxicosis or thyroid storm).

Autoimmune thyroiditis – inflammatory condition of the thyroid.

Goiter-enlargement of the thyroid gland.

These conditions are more common in people in iodine deficient areas or people with pre-existing (although potentially unrecognized) thyroid disease.

Non-Thyroidal

Skin rash, hives

Gastrointestinal irritation – vomiting RARE: Anaphylaxis (potentially life threatening), serum sickness (fever, joint pains), salivary gland swelling, “Iodine mumps” (parotid gland inflammation).

Overdose

Lethal doses in adult suicides range from 17-120 mg per kg body weight.

Precautions and Contraindications

Patients with pre-existing thyroid disease are more susceptible to the thyroid complications. Patients with rare hypocomplementemic vasculitis are more prone to iodine hypersensitivity. People with seafood or iodine allergies are at potential risk of severe life threatening allergic reactions. Patients on severely potassium-restricted diets may need to reduce other sources of potassium.

Potential Drug interactions

Lithium – may promote hypothyroidism

Anti-thyroid drugs – may worsen hypothyroidism

Pregnancy:

Pregnant women, third trimester fetuses, and newborns all have a more active metabolism and may take up more of an administered amount of iodine. This makes them more at risk from the adverse effects of both radioactive and stable iodine. Hypothyroidism in pregnant women can cause serious brain damage to the fetus. Newborns are at higher risk of developing hypothyroidism if the “escape” mechanism from the blockage (Wolff-Chaikoff effect) is not fully developed. For this reason pregnant women and infants should be given KI when indicated by potential radiation exposures but administration should not be prolonged. Thyroid function should be monitored carefully.

Poland experience

17.5 million doses distributed (10.5 million to children, 7 million to adults)

- Vomiting in 2.4%
- Skin rash in 1%
- Total minor side effects 4.5%
- Transient thyroid inhibition in infants without sequelae in 0.37% (12 cases/3214 treated)
- 3 non-lethal respiratory allergic reactions (bronchospasm)
- No adult intrathyroidal complications

Poland became aware of the radiation via their own monitors 2 days after the beginning of the Chernobyl accident. They did not know the source or how much radiation was released, but calculations indicated that contamination would affect most of the country. The decision to administer KI was based on a decision that the thyroid committed dose or I 131 should not exceed 5 rads in children or 50 rads in adults. They did not recommend KI for adults but many took one or two doses. Doses given ranged from 30 mg up to age 2 and 70 mg for teenagers. Other protective measures to reduce RAI exposures through diet were also implemented. Subsequent studies indicated that the protective measures had no effect on the inhaled dose but may have reduced the dose from ingestion more than 10 fold.

Source: Adapted from California Department Health Services February 2002
KI Fact Sheet to State KI Task Force

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2. YOUR VOTE COUNTS – IT REALLY DOES

FINDINGS

1. The pre-election procedures for ensuring that optical scanners accurately counted our votes were followed to the letter. The back-up routines employed by the Clerk-Recorder's office to ensure against any loss of voting data meet the highest standards. The computer security policies in place precluded the possibility of hacking into, altering, or modifying any data in the system. Please see Appendix A for a detailed description of that process.
2. On Election night, several AccuVote scanners were returned to the reception area with damaged seals. Please see Appendix B for a list of those anomalies prepared by the Clerk-Recorder's office.
3. The procedures used for securing, processing, counting, and verifying San Luis Obispo County's absentee ballots were followed explicitly. Please see Appendix C for a detailed description of that process.
4. The procedures employed at the polling places on Election Day for securing ballots, ensuring that eligible voters were guaranteed their right to vote, relaying or transporting ballots or results, and safeguarding the equipment were very effective as well. Please see Appendix D for a detailed description of that process.
5. The procedures for gathering, processing, verifying and publishing the results of balloting on Election Day worked to perfection. The staff at the County Clerk-Recorder's office made it look simple as well. Please see Appendix E for a detailed description of that process.

6. The quality control procedures used for safeguarding and storing ballots and other critical items after the election have been designed to offer both security of these items and an audit trail should any questions arise within 22 months of the election. Please see Appendix F for a description of that process.
7. The rumor regarding posting of balloting information was proven to be false.
8. The November, 2006, countywide election cost the taxpayers about \$570,000.

NO RESPONSES REQUIRED

3. SLO PUBLIC DEFENDERS

FINDINGS

1. Based upon the Grand Jury's interviews with two sub-contracting public defenders, a partner from the firm of Maguire & Ashbaugh, and the presiding judge, we believe the county's public defender contract with the law firm of Maguire & Ashbaugh is serving the needs of San Luis Obispo County well.
2. The use of multiple public defenders in the complainant's case appears to be an aberration, not a pattern. The bulk of the defendant's complaint appears to be based on a misunderstanding, compounded by a succession of public defenders handling her case.
3. Training of new sub-contracting public defenders needs strengthening, especially with regard to expectations/requirements concerning taking and filing good notes and the placement of Minute Orders in files.

RECOMMENDATIONS

1. New sub-contracting public defenders should be given training that incorporates an operations manual or check-list that includes required notes for each case. (Finding 3).
2. Minute Orders should be maintained in files. (Finding 3).

REQUIRED RESPONSES

1. San Luis Obispo County Public Defenders (The law firm of Maguire & Ashbaugh) (Finding 3 and Recommendations 1 and 2).
2. 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 June 12, 2007		(3) CONTACT/PHONE Vincent Morici (805) 781-5020	
(4) SUBJECT Response to Grand Jury Report regarding San Luis Obispo County Public Defenders.					
(5) SUMMARY OF REQUEST On May 2, 2007 the Grand Jury prepared a report involving the investigation of a complaint lodged against the County's public defenders. The report identifies three findings and two recommendations. The report requests that the Board of Supervisors respond to finding No. 3 and the Recommendations Nos. 1 and 2. The attached staff report provides the Board of Supervisors with the recommended response to the finding and recommendations made by the by the Grand Jury.					
(6) RECOMMENDED ACTION It is recommended that your Board adopt the attached responses to the finding and recommendations made by the Grand Jury in their report on San Luis Obispo County Public Defenders and forward these 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): The principals in the law firm of Maguire and Ashbaugh were contacted during the preparation of this 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 <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date _____	
(23) ADMINISTRATIVE OFFICE REVIEW <p align="center"><i>M. Schmidt 6-12-07</i></p> <p align="right"><i>B-25</i></p>					

County of San Luis Obispo

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



DAVID EDGE
COUNTY ADMINISTRATOR

TO: Board of Supervisors

FROM: Vincent Morici, Administrative Analyst

DATE: June 12, 2007

SUBJECT: Response to the May 2, 2007 Grand Jury Report on San Luis Obispo
County Public Defenders

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 Public Defenders. It is further recommended that the adopted responses be forwarded to the Presiding Judge of the Superior Court.

Discussion:

On May 2, 2007, the Grand Jury released a report addressing a complaint received from an individual who had used the County's public defender services. The complainant believed that she had not been served well by her public defenders. The complainant was served by several different public defenders and believed an agreed upon arrangement worked out by one of her public defender attorneys, with the concurrence of the judge and district attorney, was not honored. The Grand Jury identified that the handling of the case by multiple attorneys working for the public defender was an anomaly and that most defendants maintain one, or at most two, attorneys throughout their case. The Grand Jury further identifies that the complainant may have misunderstood the arrangement made for the case since her understanding of what was to take place was inconsistent with the requirements of the law.

As a result of this report, the Grand Jury made three findings and two recommendations. The Grand Jury has required the Board of Supervisors to respond to Finding No 3 and Recommendations Nos. 1 and 2. The Grand Jury has also requested that the Primary Public Defender, the private law firm of Maguire and Ashbaugh, respond to finding No. 3 and Recommendations Nos. 1 and 2. The response by Maguire and Ashbaugh has already been sent to the Presiding Judge. The following provides the recommended response for the Board's response to the finding and recommendations as required by the Grand Jury. The recommended responses are consistent with those prepared by Maguire and Ashbaugh.

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Finding No. 3

Training of new subcontracting public defenders needs strengthening, especially with regards to expectations/requirements concerning taking and filing of good notes and the placement of Minute Orders in the Files.

Response to Finding No. 3

The Board partially agrees with this finding. The Grand Jury itself has noted that this case is likely to be anomaly with respect to the manner in which cases are handled. We agree that in this instance, the expected level of detail for case notes was lacking. The report notes that two of the attorneys who handled the case were new and both left the public defender for other employment after a short time. It appears that the level of attention to detail was absent in this case. However, we note that complaints such as the one submitted to the Grand Jury are very rare. Our experience demonstrates that public defender services are performed in a professional manner and provide adequate legal representation to defendants.

We also note that the attorneys who provide public defender services are licensed to practice law in the State of California and as such are bound by the rules and guidelines related to the practice of law. Standard practices regarding documentation of cases are expected of these attorneys.

Recommendation No. 1

New subcontracting public defenders should be given training that incorporates an operations manual or check list that includes required notes for each case.

Response to Recommendation No. 1

It should be noted that all new contracted attorneys are provided an orientation which includes working along side a veteran public defender attorney to learn the appropriate court and office procedures. Discussions between the staff in the County Administrative Office and the principals in the firm of Maguire and Ashbaugh indicate that they will strengthen the orientation of new attorneys to emphasize the importance of record keeping. This recommendation is being implemented.

Recommendation No. 2

Minute Orders should be maintained in files.

Response to Recommendations No. 2

This recommendation is not within the authority of the County or its contractors to implement. Current practice regarding Court Minute Orders varies within different courtrooms. Minute Orders are not always provide by the Court Clerks at the

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conclusion of a court appearance. Frequently, where Minute Orders are prepared, the Orders are provided to the defendant and not to the attorney representing the defendant. The principals in the firm of Maguire and Ashbaugh will work with the Court to request that copies of Minute Orders be provided to defense counsel. Where Minute Orders are prepared and submitted to defense counsel, the Orders will be retained for the case records.

Other Agency Involvement

The firm of Maguire and Ashbaugh was contacted and provided information relative to the orientation of new attorneys hired to provide public defender services and the maintenance of case records.

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 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

MAY 2, 2007 Grand Jury Report on San Luis Obispo County Public Defenders

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MAGUIRE & ASHBAUGH
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JAMES B. MAGUIRE III
PATRICIA NEMEC ASHBAUGH

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(805) 541-3064

May 31, 2007

Presiding Judge
San Luis Obispo Superior Court
1035 Palm Street, Room 385
San Luis Obispo, CA 93408

RE: RESPONSE TO GRAND JURY REPORT

Your Honor:

Maguire & Ashbaugh has provided public defender services on a contract basis for San Luis Obispo County since December of 1980. During that time we have worked assiduously to provide the highest level of service to our clients, to the courts, and to the county. We were gratified to read the Grand Jury's conclusion that the county is well served by our firm, and also that the complaint made to that body was primarily based on a misunderstanding on the part of one of our clients. Unfortunately her case did arise at the time when we were going through a personnel change which brought to light a situation resulting in the Grand Jury's recommendations. We are in that context providing the following response to finding number 3 and recommendations 1 and 2.

With respect to the issue of note taking, since we are a Contract Public Defender Office, we do not have the "training" that might be expected if we were a County Department. However, all new attorneys are given an orientation which includes working alongside a veteran Public Defender to learn the procedures in our local courts and in our office. It is our intention to strengthen the record keeping component of that orientation. In addition, we have reemphasized to all our attorneys the importance of placing accurate and complete notes in the file after each court appearance or action taken by the attorney which could affect the case. Both the court procedures and our own internal procedures are structured so that in virtually every case a given defendant will have the same judge, the same prosecutor, and the same public defender from the first court appearance until sentencing or when the case is otherwise concluded. However, there will be times when the judges are reassigned or the respective attorneys are reassigned which can shift a caseload to another court or attorney. A change of attorney can also occur when a defendant is placed on probation and then later, perhaps as much

May 31, 2007

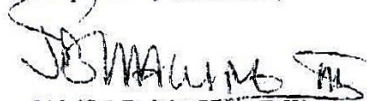
Page 2

as years later, commits a probation violation that causes the case to be returned to court. In this instance, it is not unusual for the case to return to a different courtroom with different attorneys involved. Clearly in those situations thorough and accurate notes are of major importance also.

The recommendation with respect to minute orders is more problematic. Not all court clerks hand out minute orders at the conclusion of a court appearance. In those courtrooms where minute orders are available, the bailiffs frequently give them to the out of custody defendants so that they have a record of what happened and a document showing their next court date. In some courts the minute orders are kept in the court file, in some cases where the defendant is in custody, a copy is given to the custodial or transportation officer who will return the defendant to jail or prison. If they are given to the attorney, we do take them and put them in our files. There does not appear to be a uniform policy with respect to what should be done with minute orders. We feel it would be beneficial to meet with the presiding judge of the criminal courts to discuss this situation and request that copies of minute orders be given to defense counsel in all cases and in all courtrooms.

We always welcome the opportunity to speak with the Grand Jury to explain what public defenders do and how we fulfill our obligations, both those set out in the law, and those contained in our contract.

Respectfully submitted,



JAMES B. MAGUIRE III

Maguire & Ashbaugh,

Contract Public Defenders for San Luis Obispo County

JBM:nlm

4. COUNTY CONTRACTS: DO WE GET WHAT WE PAY FOR?

FINDINGS

1. There appears to be a lack of formal, published standard operating procedures for contract administration. An employee faced with a question relating to a particular aspect of managing contracts may have to seek out other employees who have some familiarity with the problem.
2. Managers in major contracting departments are dedicated and are doing a good job of ensuring that contractors are meeting their obligations. However, tools they currently in use to track contracts are not standardized and may not be sufficiently reliable to meet County's long-term needs.
3. Not all sections of County staff have the same familiarity and expertise in managing contracts. This could cause inconsistency in contract management throughout the County. In addition, expertise and best practices developed within certain County departments are not shared with other departments.
4. The Grand Jury did not identify any standard procedures for review of contracts after their terms had ended. A review of this type would verify whether all provisions were met, if any action against the contractor is required, and whether any changes need to be made to contract management standard procedures.

RECOMMENDATIONS

1. All County departments that issue contracts should develop standard contract management operating procedures. These procedures should cover all aspects of contract management and clearly define tasks and responsibilities for each step in the contracting process. (Finding #1)
2. Any automated tracking systems used for contract management should be created using robust, high-reliability database programming standards. Systems should be fully documented and data should be protected from loss or corruption. (Finding #2)
3. County offices that do not issue contracts on a regular basis should work through other departments that are more familiar with contract management procedures sharing established best practices. (Finding #3)
4. When any contract term ends, the issuing office should review the contract to evaluate its effectiveness. (Finding #4)

REQUIRED RESPONSES

1. San Luis Obispo County Administrator. (all recommendations)
2. San Luis Obispo County Board of Supervisors. (all recommendations)

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

(1) DEPARTMENT Administrative Office		(2) MEETING DATE June 26, 2007		(3) CONTACT/PHONE Nikki J. Schmidt (805) 781-5496	
(4) SUBJECT Response to Grand Jury Report entitled County Contracts: Do We Get What We Pay For?					
(5) SUMMARY OF REQUEST On May 9, 2007 the Grand Jury issued a report relating to County Contracts. The report identifies four findings and four recommendations. The report requests that the Board of Supervisors and County Administrator respond to all recommendations. The attached staff report provides the Board of Supervisors with the recommended response to the recommendations made by the by the Grand Jury.					
(6) RECOMMENDED ACTION It is recommended that your Board adopt the attached responses to the recommendations made by the Grand Jury in their report entitled County Contracts: Do We Get What We Pay for? and forward these 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): County departments were contacted during the preparation of this 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 <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW <p align="right">6-26-07</p> <p align="right">B-2</p>					

County of San Luis Obispo

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



DAVID EDGE
COUNTY ADMINISTRATOR

TO: BOARD OF SUPERVISORS

FROM: NIKKI J. SCHMIDT, ADMINISTRATIVE ANALYST

DATE: JUNE 26, 2007

SUBJECT: RESPONSE TO THE MAY 9, 2007 GRAND JURY REPORT ON COUNTY CONTRACTS

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 County Contracts. It is further recommended that the adopted responses be forwarded to the Presiding Judge of the Superior Court.

Discussion

On May 9, 2007, the Grand Jury released a report addressing several complaints that in some aspects involved County contracts. While the contracts may not have been the primary issue raised by the complainants, the Grand Jury felt that the review of these complaints required a thorough evaluation of the related contract documents. As part of its evaluation, the Grand Jury identified several common procedural questions relating to how the contracts were managed after they were executed. They felt it was appropriate to initiate a separate investigation of the County's procedures for post-award contract management. The goal of this investigation was to determine whether the County had adequate procedures in place to avoid contract mismanagement.

As a result of this report, the Grand Jury made four findings and four recommendations. The Grand Jury has required that the County Administrator and the Board of Supervisors respond to all Recommendations. The following provides the recommended response for the Board's response to the recommendations as required by the Grand Jury.

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BOARD OF SUPERVISORS

June 26, 2007

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Recommendation #1

All County departments that issue contracts should develop standard contract management operating procedures. These procedures should cover all aspects of contract management and clearly define tasks and responsibilities for each step in the contracting process.

Response to Recommendation #1

The County Administrator and Board of Supervisors agrees with this recommendation. In response to the Grand Jury report, the Administrative Office conducted a survey of County departments to ascertain what contract oversight and monitoring were in place. What we found was that some departments, such as Social Services, had formal written procedures and that most departments have some sort of informal process in place, whether it be relying on the Auditor's handbook or approved purchasing policies administered by General Services. It is our intent to work with departments in the upcoming fiscal year to develop more formal and uniform procedures.

Recommendation No. 2

Any automated tracking systems used for contract management should be created using robust, high-reliability database programming standards. Systems should be fully documented and data should be protected from loss or corruption.

Response to Recommendation #2

The County Administrator and Board of Supervisors agrees with this recommendation. The County's Information Technology Department (ITD) works diligently to ensure that County departments have the most up to technology, whether it is database programming or word processing. In addition, ITD has systems in place to assure that data is protected from loss or corruption.

Recommendation #3

County offices that do not issue contracts on a regular basis should work through other departments that are more familiar with contract management procedures sharing established best practices.

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BOARD OF SUPERVISORS

June 26, 2007

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Response to Recommendation #3

The County Administrator and Board of Supervisors partially agrees with this recommendation. Best practices of departments that are more familiar with contract management will be incorporated into the procedures developed under Recommendation #1. Smaller departments would then utilize the new procedures as well as receive assistance from larger departments on implementing those new procedures.

Recommendation #4

When any contract term ends, the issuing office should review the contract to evaluate its effectiveness.

Response to Recommendation #4

The County Administrator and Board of Supervisors agrees with recommendation. Evaluation criteria for the effectiveness of the services/work provided by contractors will be incorporated into the procedures developed under Recommendation #1.

Other Agency Involvement

County departments will be involved in the development of contact management operating procedures.

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 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

MAY 9, 2007 Grand Jury Report on County Contracts

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5. ELDER AND DEPENDENT ADULT ABUSE

CONCLUSION

The San Luis Obispo Elder and Dependent Adult Abuse Protocol was designed to provide both an investigational aid to those involved in criminal prosecutions, as well as a guide for community providers who may need direction when encountering these victims. It is recognized that first responders will most often encounter non-criminal situations of elder and dependent abuse and neglect. Therefore, this Protocol aims to offer assistance for such intervention by aiding and ensuring the safety and well-being of these communities. By coordinating efforts, both government and community service providers will do a better job of protecting and caring for the county's elder population.

NO RESPONSES REQUIRED

6. GETTING TO KNOW LAFCO

CONCLUSION

The consensus among the people interviewed by the Grand Jury is that LAFCO serves a valuable function within San Luis Obispo County as an agency that is able to serve as an intermediary among various jurisdictions. Particularly since the Cortese-Knox-Hertzberg Act of 2000, the Commission has been viewed as more independent from county government. As a result, there is now much more cooperation among the county, cities, special districts, and agencies that provide services.

The five-year reviews conducted by LAFCO give local agencies an opportunity to assess their areas of strength and weakness, and move toward changes in spheres of influence and annexations in a more deliberate and rational way. The Commission's Executive Officer and Analyst have made an ongoing effort to meet with local agencies and planning departments and to hold well-publicized public hearings.

The Commission is currently working on the development of agricultural resources policy and procedures that would be added to the current general policy base. These guidelines may include options such as preservation, conversion and/or mitigation, consistent with other county and city general plan policies.

That said, the CKH legislation may give lip service to preserving farmland and preventing urban sprawl, but it does not give LAFCO the power it needs to do this because it has no jurisdiction over land use decisions outside of cities. Most of the prime agricultural land, as well as many of the "antiquated subdivisions"¹ with inadequate service delivery systems are outside of cities.

¹ Antiquated subdivisions are areas such as Oceano, Los Osos, and Jardine Road subdivision bordering Paso Robles that were subdivided long before zoning rules were established.

Under state law it is the county supervisors, not LAFCO, who ultimately make decisions about development in these areas.

Certainly the fact that two of the five county supervisors serve as LAFCO commissioners helps to open lines of communication between county and city/special district representatives. And LAFCO has developed an outstanding reputation as an honest broker in bringing the county to the table for responsibility-sharing as well as revenue-sharing memorandums of agreement with other agencies within the county. But the bottom line is that California state law takes land use decisions in unincorporated areas out of the hands of LAFCO. Thus the major goals of LAFCO, to prevent urban sprawl and protect prime farmland, are essentially beyond its reach. Until new legislation is forthcoming which expands LAFCO's authority, land use decisions outside of cities are ultimately under the jurisdiction of the County Board of Supervisors.

NO RESPONSES REQUIRED

7. SAN LUIS OBISPO COUNTY REGIONAL AIRPORT

FINDINGS

1. The San Luis Obispo County Regional Airport is one of the County's major economic engines.
2. The Airport is an "Enterprise Fund." Hence, unlike most other County agencies, the Airport's primary source of funding is not the County's general fund. The Airport depends upon revenue it generates as its primary source of funding. A major expenditure not within Airport control is its reimbursement to the County's general fund for use of County facilities and services. If the amount transferred becomes excessive, it could seriously impact the Airport's capability to maintain an acceptable level of customer service.
3. While several Airport tenants expressed concerns regarding on-site operations and planning decisions, none appeared serious enough to drive tenants away. There may be an opportunity to reduce this dissatisfaction through increased outreach to the tenant community, making them an important part of the Airport's decision-making process.
4. The Airport uses innovative technologies to maximize utilization and efficiency of its area-constrained facilities. However, it should seek out additional opportunities to benefit from technology.
5. The Airport is a division within the County's General Services Department. Because the Airport is an enterprise fund and operates in a very competitive market, its business model is very different from that of other County agencies. The current organizational structure will not provide flexibility the Airport needs to succeed in an extremely complex and rapidly changing market.

6. Because airport management is a very specialized field, finding experienced airport professionals to fill key vacancies can be a challenge. Current County hiring procedures and position classification structures will not have sufficient flexibility to quickly fill future Airport vacancies.

RECOMMENDATIONS

1. The County should continually review the amount the Airport is required to reimburse to the general fund, ensuring conformance with FAA requirements and intent. (Finding #2)
2. Most complaints raised by Airport tenants were due primarily to differing perceptions. The Airport should address these concerns by increasing outreach programs to keep tenants better informed and involved. (Finding #3)
3. The County should establish an independent, fact-finding committee or task force to investigate benefits and implications of creating an Airport Department or Authority. (Finding #5)
4. The County should ensure hiring procedures and position classification structures have the flexibility to quickly fill any key Airport vacancies that may occur. (Finding #6)

REQUIRED RESPONSES

1. San Luis Obispo County Auditor/Controller. (Recommendation #1)
2. San Luis Obispo County Airport Manager. (Recommendation #2)

3. San Luis Obispo County Administrator. (Recommendations #3 & #4)

4. San Luis Obispo County Board of Supervisors. (All Recommendations)

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

(1) DEPARTMENT Administrative Office		(2) MEETING DATE July 17, 2007		(3) CONTACT/PHONE Nikki J. Schmidt (805) 781-5496	
(4) SUBJECT Response to Grand Jury Report on the San Luis Obispo County Regional Airport.					
(5) SUMMARY OF REQUEST On May 31, 2007, the Grand Jury issued a report relating to San Luis Obispo County Regional Airport. The report identifies six (6) findings and four (4) recommendations. The report requests that the County Auditor-Controller respond to Recommendation #1, the Department of General Services/Airports respond to Recommendation #2 and the Board of Supervisors and County Administrator to Recommendations #3 and #4. The attached staff report and responses from the Auditor-Controller and General Services/Airports provides the Board of Supervisors with the recommended response to the recommendations made by the Grand Jury.					
(6) RECOMMENDED ACTION It is recommended that your Board adopt the attached responses to the recommendations made by the Grand Jury in their report on the San Luis Obispo County Regional Airport and forward these 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): County departments were contacted during the preparation of this 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 <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW The Administrative Office prepared this report.					

7-17-07

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County of San Luis Obispo

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



TO: BOARD OF SUPERVISORS
FROM: NIKKI J. SCHMIDT, ADMINISTRATIVE ANALYST
DATE: JULY 17, 2007
**SUBJECT: RESPONSE TO THE MAY 31, 2007 GRAND JURY REPORT ON THE
SAN LUIS OBISPO COUNTY REGIONAL AIRPORT**

DAVID EDGE
COUNTY ADMINISTRATOR

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 County Airports. It is further recommended that the adopted responses be forwarded to the Presiding Judge of the Superior Court.

Discussion

During the 2006-07 fiscal year, the Grand Jury received a citizen complaint that alleged County mismanagement of several of its commercial operations, including the San Luis Obispo County Regional Airport. The Grand Jury found that the non-Airport issues were vague and not within the Grand Jury's investigative jurisdiction. As a result, the Grand Jury decided to investigate Airport issues only. On May 31, 2007, the Grand Jury released a report which, in addition to resolving issues in the complaint, provided the public with useful information about the Regional Airport.

As a result of this report, the Grand Jury made six (6) findings and four (4) recommendations. The Grand Jury has required that the following responses be made:

County Auditor-Controller to Recommendation #1;
General Services/Airports to Recommendation #2;
County Administrator to Recommendation #3 and #4;
Board of Supervisors to All Recommendations

The following provides the recommended response for the Board's response to the recommendations as required by the Grand Jury.

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BOARD OF SUPERVISORS

July 17, 2007

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Recommendation #1

The County should continually review the amount the Airport is required to reimburse to the General Fund, ensuring conformance with FAA requirements and intent (Finding #2).

Response to Recommendation #1

The Board of Supervisors adopts as their response the County Auditor-Controller's response (attached).

Recommendation No. 2

Most complaints raised by Airport tenants were due primarily to differing perceptions. The Airport should address these concerns by increasing outreach programs to keep tenants better informed and involved (Finding #3).

Response to Recommendation #2

The Board of Supervisors adopts as their response the General Services/Airports' response (attached).

Recommendation #3

The County should establish an independent, fact-finding committee or task force to investigate benefits and implications of creating an Airport Department or Authority (Finding #5).

Response to Recommendation #3

The County Administrator and Board of Supervisors disagrees with this recommendation at this time. The Airport is in the process of a massive expansion effort and continuity is very important. It would not be prudent at this time to consider any change in organization or leadership structure and review of this option is something that should be considered after the expansion of the Airport is complete. Additionally, as part of the Department of General Services' strategic plan, an organizational restructuring of the entire department is being considered.

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BOARD OF SUPERVISORS

July 17, 2007

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Recommendation #4

The County should ensure hiring procedures and position classification structures have the flexibility to quickly fill any key Airport vacancies that may occur (Finding #6).

Response to Recommendation #4

The Board of Supervisors and County Administrator agrees with this recommendation. The Human Resources Department strives to accommodate all departments' staffing requirements, within the flexibility allowed by the policies, procedures, rules, and ordinances that govern the hiring and classification process of the County. One of the goals set for the new Human Resources Director is to find ways to make hiring of staff for County departments more efficient and expedient, again, within the process approved by the Civil Service Commission.

Other Agency Involvement

The County Auditor-Controller and General Services/Airports have contributed to this report.

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 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

May 31, 2007 Grand Jury Report on the San Luis Obispo County Regional Airport
Responses from the County Auditor-Controller and General Services/Airports

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County of San Luis Obispo
Office of the Auditor-Controller
1055 Monterey Street Room D220
San Luis Obispo, California 93408
(805) 781-5040 FAX (805) 781-1220



GERE W. SIBBACH, CPA
BILL ESTRADA, Assistant
JAMES ERB, CPA, Deputy
LYDIA CORR, CPA, Deputy

TO: DAVID EDGE, COUNTY ADMINISTRATOR

FROM: GERE SIBBACH, AUDITOR-CONTROLLER *Gere*

DATE: JUNE 21, 2007

SUBJECT: RESPONSE TO GRAND JURY REPORT ON COUNTY AIRPORT

The Grand Jury report on the County Regional Airport requires that the Auditor-Controller address Recommendation #1, which is based on Finding #2. This is our formal response, for inclusion with the other required County responses.

Recommendation #1 *"The County should continually review the amount the Airport is required to reimburse the general fund, ensuring conformance with FAA requirements and intent."*

We concur with this recommendation. We have been charging the airport enterprise for its proper share of support services every year since it was established as a separate fund. The Auditor-Controller's staff prepares a countywide cost allocation plan in accordance with federal regulations (2CFR Part 225, formerly OMB Circular A-87). This plan allocates central services costs such as human resources and payroll, administration, data processing, purchasing, etc. to all county operating departments.

The cost allocation plan is updated, and submitted each year to the cognizant agency (State Controller) that performs a desk audit on behalf of all federal funding agencies. The FAA would have a problem if the amount charged to the airport exceeded the amount identified in the approved cost plan, but this has not been done in this county.

The Auditor-Controller intends to continue the practice of preparing a cost allocation plan in accordance with 2CFR Part 225. This should insure that unreasonable costs are not allocated to the airport in the future.

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COUNTY OF SAN LUIS OBISPO
Department of General Services

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

TO: DAVID EDGE, COUNTY ADMINISTRATOR

FROM: DUANE P. LEIB, GENERAL SERVICES DIRECTOR
KLAASJE NAIRNE, AIRPORTS MANAGER

DATE: June 28, 2007

SUBJECT: RESPONSE TO GRAND JURY REPORT ON SAN LUIS OBISPO
COUNTY REGIONAL AIRPORT

The Grand Jury report on the San Luis Obispo County Regional Airport requires the Airports Division of the Department of General Services Department respond to Recommendation #2, which is based on Finding #3 in the report. This is our formal response to be included with other required County responses.

Recommendation #2: Most complaints raised by Airport tenants were due primarily to differing perceptions. The Airport should address these concerns by increasing outreach programs to keep tenants better informed and involved. (Finding #3).

We concur with the recommendation. The Airport will increase our outreach program through more effective use of the Airport website and a more "hands-on/out" approach with tenants.

Although the current website, www.sloairport.com is being redesigned to better suit the needs of the traveling passenger and our tenants, we have and will continue to post important information relative to lease site opportunities, aircraft storage opportunities, Airport Master Plan Development and construction project updates. We will continue to explore better uses of the website in an effort to improve communication on issues of interest to our tenants.

Another opportunity available to tenants is the quarterly Airport Tenants Organization meetings. Agendas are sent to every tenant on the airport, generally mailed at least two weeks prior to the meeting dates. The new website will also provide an opportunity to post the schedule of the meetings as well as the agenda for each meeting. Agendas typically include project updates, issues relative to Federal Aviation Administration legislation, Master Plan updates, Airport Land Use Commission items of interest, Board of Supervisor actions, etc. We also provide an opportunity for tenants to place items on the agenda for discussion. We do not discuss individual lease negotiations at tenant meetings,

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but do discuss general lease terms and conditions, rules and regulations, as well as operational and security issues.

The Airport also has a group e-mail list on which to distribute information of interest to our tenants; however, the list is only as good as the addresses provided by the tenants. It is a difficult task to ensure the addresses are valid and up to date. The e-mail list is generally confined to communicate items of special note, such as airport closures for construction and NOTAMs (Notice to Airmen) of a cautionary nature relative to airport use.

In conclusion, we believe our most effective tool to enhance our communication efforts is through our soon to be completed new website. It is an efficient and cost effective way to ensure tenants are kept informed of airport issues. Pursuit of an "electronic newsletter" that is posted on the website will also be considered in the near future.

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8. AFFORDABLE HOUSING IN SAN LUIS OBISPO COUNTY

Wishful Thinking or One Step at a Time?

CONCLUSIONS

The availability of affordable housing is an issue faced by many parts of California, and is being addressed in a number of ways. To ensure that housing is available for a variety of income levels, state 'fair share' law has placed requirements on local governments to meet targets, while allowing some flexibility in how to achieve those goals.

The most pressing need appears to be attractive, convenient, long term housing for the workforce of the county and their families, including teachers, police officers, fire and other emergency responders, health care providers, local government staff, and employees of businesses ranging from tourism to utilities to agriculture to high tech. A growing population of retirees, many on fixed incomes, also requires consideration in planning for housing.

Solutions take many forms; some are still evolving and will need periodic review to ensure they continue to address current and anticipated needs.

The Grand Jury supports the County's plans for improving Mobilehome Park stability and growth through incentives for development, provisions for resident ownership, and protections for current occupants. We encourage County staff and the Board of Supervisors to continue their efforts on projects spawned by the most recent Housing Element, issued July, 2004.

The Grand Jury also commends the efforts of all non-profits that are actively working in this county to increase availability of lower cost housing, including People's Self Help Housing, Housing Authority of San Luis Obispo, Habitat for Humanity, and the San Luis Obispo County Housing Trust Fund.

NO RESPONSES REQUIRED

9. HISTORIC PRESERVATION

PRESERVING THE PAST TO ENRICH THE FUTURE

FINDINGS

1. Information pertaining to the Farmers' Alliance Building was missing from the City's Inventory of Historic Resources, per the October 4, 2005 City Council minutes.
2. The Grand Jury believes a thorough local historic preservation process would decrease the likelihood of situations similar to Smart & Final's purchase of a building they later learned they were unable to use because of its historical significance.
3. Historic Preservation Committees/Commissions appear to be a key factor in assisting local governments to identify historic resources and maintain continuity of processes across historic resources and permit applicants.
4. The provisions of CEQA are intended to assist local governments in the proper identification and treatment of historic resources consistent with Federal regulations. A significant degree of local discretion exists, however, which allows local citizens to influence the degree of preservation in their communities through their elected representatives. The Historical Preservation Program in the City of San Luis Obispo, while it does not include all possible provisions of CEQA, can serve as a model for other communities in the county, including making information available to residents.

RECOMMENDATIONS

1. The City of Paso Robles should review and improve their documentation procedures specific to their Historic Resources Survey and Inventory. (Finding 1)

2. Local governments in San Luis Obispo County that do not already have an Historic Preservation Committee/Commission should study the feasibility of creating one. Information about these committees/commissions can be obtained from the state Office of Historic Preservation (www.ohp.parks.ca.gov). (Finding 3)

3. If they are not already doing so, local communities should make available to their residents a handout/brochure containing information such as the following: (Finding 4)
 - Does the community have an historic preservation program?
 - Does the community have historic districts?
 - How does the community identify historic properties?
 - What benefits and services are available to owners of historic properties?
 - Can historic properties be changed? If so, what is the process?
 - Can historic structures be demolished? If so, what is the process?
 - What changes can be made to an historic structure without a building permit?
 - How can property owners find out more about their historic properties?

REQUIRED RESPONSES

1. County of San Luis Obispo
 - Board of Supervisors (Recommendations 2 and 3)
 - Department of Planning and Building
 - (Recommendations 2 and 3)

2. City Council and City Administrator
 - for the Cities of:
 - Arroyo Grande (Recommendation 3)
 - Atascadero (Recommendations 2 and 3)
 - Grover Beach (Recommendations 2 and 3)
 - Morro Bay (Recommendations 2 and 3)
 - Paso Robles (Recommendations 1, 2, and 3)
 - Pismo Beach (Recommendations 2 and 3)

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

(1) DEPARTMENT Administrative Office		(2) MEETING DATE August 14, 2007		(3) CONTACT/PHONE Leslie Brown (805) 781-5011	
(4) SUBJECT Response to Grand Jury Report regarding Historic Preservation.					
(5) SUMMARY OF REQUEST On June 21, 2007 the Grand Jury prepared a report involving the investigation on the Paso Robles City Council decision to deny the permit to demolish the Farmer's Alliance building and also the process used by other local governments to identify and preserve historic resources. The report identifies four findings and three recommendations. The report requests that the Board of Supervisors and the Planning and Building department respond to Recommendations Nos. 2 and 3. The attached staff report provides the Board of Supervisors with the recommended response to the recommendations made by the Grand Jury. The Planning and Building department's response is also attached.					
(6) RECOMMENDED ACTION It is recommended that your Board adopt the attached responses to the recommendations made by the Grand Jury in their report on Historic Preservation and forward these responses to the Presiding Judge of the Superior Court.					
(7) FUNDING SOURCE(S) Fund Center 142 – Planning and Building		(8) CURRENT YEAR COST Approx. \$8,320		(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 Planning and Building Department prepared their response (attached).					
(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 checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date _____	
(23) ADMINISTRATIVE OFFICE REVIEW The Administrative Office prepared this agenda item.					

8-14-07

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County of San Luis Obispo

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



To: Board of Supervisors

From: Leslie Brown, Administrative Analyst *LB*

DAVID EDGE
COUNTY ADMINISTRATOR

Date: August 14, 2007

Subject: Responses to 2006-2007 Grand Jury Report on Historic Preservation.

RECOMMENDATION

It is recommended that the Board of Supervisors adopt the following response as the Board of Supervisors' response to the 2006-2007 Grand Jury Report on the Historic Preservation and forward the response to the Presiding Judge.

DISCUSSION:

The Grand Jury issued a report on June 21, 2007 regarding their inquiry into how local communities identify and preserve historic resources. The report contains four findings and three recommendations. The Board of Supervisors and the Planning and Building Department are required to respond to Recommendations 2 and 3.

The report addresses the situation regarding the Farmer's Alliance Building in the City of Paso Robles, for which a demolition permit was considered and ultimately denied by the Paso Robles City Council. The Grand Jury also investigated the procedures used by the other six incorporated cities and by the County. As noted in their report (attached), the Grand Jury found that "historic preservation committees or commissions appear to be a key factor in assisting local governments to identify historic resources and maintain continuity of processes across historic resources and permit applications." They also found that "The Historical Preservation Program in the City of San Luis Obispo.....can serve as a model for other communities in the County, including making information available to residents." The Grand Jury recommends studying the feasibility of creating an Historic Preservation Committee/Commission as well as developing and distributing a handout containing specific information on historic preservation.

The County Planning and Building Department has responded to the Grand Jury report and their response is attached to this report. Staff recommends that your Board adopt the responses provided below.

Grand Jury Recommendation Number 2

Local governments of San Luis Obispo County that do not already have an Historic Preservation Committee/Commission should study the feasibility of creating one.

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Information about these committees/commissions can be obtained from the state office of Historic Preservation (www.ohp.parks.ca.gov) (Finding 3)

Board of Supervisors Response

This recommendation requires further analysis. The Board concurs with the departmental response and will expect a report back on the issue within 90 days.

Grand Jury Recommendation Number 3

If they have not already done so, local communities should make available to their residents a handout/brochure containing information such as the following: (Finding 4)

- Does the community have an historic preservation program?
- Does the community have historic districts?
- How does the community identify historic properties?
- What benefits and services are available to owners of historic properties?
- Can historic properties be changed? If so, what is the process?
- Can historic structures be demolished? If so, what is the process?
- What changes can be made to an historic structure without a building permit?
- How can property owners find out more about their historic properties?

Board of Supervisors Response

The recommendation has not yet been implemented, but will be implemented within the next six months. Preparation of a brochure containing all of the information outlined in the Grand Jury's Recommendation number 3 would provide valuable public education with regard to historic resources. The cost of preparing and updating such a brochure would relatively inexpensive given the potential benefits to the County's historic resources.

OTHER AGENCY INVOLVEMENT

The County Administrative Office used information from the Planning and Building department in developing the recommended response.

FINANCIAL CONSIDERATIONS

The fiscal impact of the Grand Jury Recommendation number 2 is estimated at \$5,200 – the fully-loaded cost of approximately 50 hours of staff time. Costs associated with creating this entity would be presented to the Board for consideration once the analysis is completed. In terms of implementing Grand Jury recommendation number 3, design and production of the informational handout is estimated to require 30 hours of staff time at a total cost of \$3,120. These costs will be absorbed by the Planning and Building department's FY 2007/08 budget.

RESULTS

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

Attachment: Grand Jury Report
Planning and Building Department Response

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: LESLIE BROWN, ADMINISTRATIVE OFFICE

FROM: VIC HOLANDA, DIRECTOR PLANNING AND BUILDING

DATE: AUGUST 2, 2007

SUBJECT: RESPONSE TO 2006 07 GRAND JURY REPORT: HISTORIC PRESERVATION

In your memorandum of June 21, 2007 you requested that this department prepare a response to the Grand Jury Report, relative to the specific Recommendations noted below.

RECOMMENDATIONS

Recommendation 2: Local governments of San Luis Obispo County that do not already have an Historic Preservation Committee/Commission should study the feasibility of creating one. Information about these committees/commissions can be obtained from the state office of Historic Preservation (www.ohp.parks.ca.gov) (Findings 3)

Response: The recommendation requires further analysis in order to understand its cost/benefit and cost/effectiveness.

The County's General Plan and the California Environmental Quality Act (CEQA) afford some degree of protection to historic resources. The Framework for Planning (part of the County's General Plan in both the Inland and Coastal areas) provides a designation for historic resources. These "H" designations are applied to specific sites through the individual area plans and collectively make up the County's list of recognized historic properties. The designations occur most commonly as the area plans are updated, and usually reflect properties requested by the community or individual property owners to receive the recognition as historic.

The list of H designated properties does not reflect a systematic survey and evaluation of all properties located within the individual area plan boundaries or within the unincorporated areas of the County as a whole. It is almost certain

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that there are numerous structures in the unincorporated area that would be designated as Historic (using the State criteria) if a systematic professional evaluation was conducted. Such a systematic evaluation would probably need to occur in conjunction with creation of a Preservation Committee/Commission. It is important to note that CEQA applies only to discretionary actions and many "projects" that could alter or affect a potentially historic structure may not require a discretionary permit from the County. In fact, most building permits, including demolition permits are ministerial and would not be subject to environmental review. It is possible to greatly and significantly alter older, non-listed structures (including demolition) without review for impact to historic resources. This is similar to most jurisdictions throughout the State. Again, a systematic evaluation of potential historic structures would need to be completed in order to flag these resources in the County's General Plan such that ministerial projects would be subject to additional review either by staff or a Preservation Committee/Commission.

The H designation may affect the permit level required for certain activities on the designated properties, and requires specific findings to be made in regards to permit actions. The permit requirements and findings are governed by sections 22.14.080 (Title 22 – Land Use Ordinance) and 23.07.100 (Title 23 – Coastal Zone Land Use Ordinance).

Impacts to historic resources are addressed to a larger extent through the California Environmental Quality Act. CEQA requires that impacts to historic resources be addressed through the evaluation of the effects of a project. CEQA provides the criteria of what constitutes a "Historic" resource, and this step in the evaluation process is a necessary precursor to the impact evaluation. Essentially the process requires a two step evaluation – 1) Are Historic resources (as defined by CEQA) present?; and 2) If so, would the project result in a significant adverse impact to the Historic resource? The greater part of the work is often associated with the first half of the process. If a project site is designated by a "H" combining designation (or if it is listed on the National or State Registers for Historic Properties), CEQA directs that it is to be treated as a Historic resource and the process can move on to the impact evaluation stage. As CEQA applies to individual projects, the evaluation as to whether sites or structures are Historic, and whether or not resulting impacts are significant, occurs on a case-by-case basis.

Several Counties and numerous Cities have some sort of advisory body for dealing with historic resources/landmarks, including the County of Santa Barbara and the City of San Luis Obispo. The duties and functions vary widely. It may be worth investigating the structure and function of some of these bodies in evaluating the benefits and drawbacks of such an advisory body for the County of San Luis Obispo. However, costs associated with staffing and supporting such a body could be significant as it would require staff with a certain level of expertise not only in history, but also in the pertinent County, State and Federal historic preservation regulations. In addition, the staff work would almost

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certainly require a significant amount of research and or expert consultant assistance, both of which may have budgetary implications.

Recommendation 3: If they have not already done so, local communities should make available to their residents a handout/brochure containing information such as the following: (Findings 4)

- Does the community have an historic preservation program?
- Does the community have historic districts?
- How does the community identify historic properties?
- What benefits and services are available to owners of historic properties?
- Can historic properties be changed? If so, what is the process?
- Can historic structures be demolished? If so, what is the process?
- What changes can be made to an historic structure without a building permit?
- How can property owners find out more about their historic properties?

Response: The recommendation has not yet been implemented, but will be implemented within the next six months. Preparation of a brochure containing all of the information outlined in the Grand Jury's Recommendation #3 would provide valuable public education with regard to historic resources. The cost of preparing and updating such a brochure would relatively inexpensive given the potential benefits to the County's historic resources.

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November 8, 2007

HONORABLE JUDGE ROGER PICQUET
Presiding Judge
San Luis Obispo County Superior Court
1035 Palm Street, Room 385
San Luis Obispo CA 93401

Dear Honorable Judge Picquet:

In response to the 2006-2007 San Luis Obispo Grand Jury Final Report, specifically Investigative Report on "Historic Preservation," recommendation 3 (Finding 4), Page 9-15, the City of Arroyo Grande submits the following summary of information regarding Historic Resource conservation:

Q: Does the City have a historic preservation program?

A: Yes, consistent with the California Environmental Quality Act (CEQA), the City considers the potential impacts of all discretionary public or private projects on a possible historic resource, and its general plan policies and implementation programs strongly support historic resource protection and preservation.

Q: Does the City have historic districts?

A: Yes, since 1994 when the City adopted Design Overlay District D-2.4 and Design Guidelines and Standards for Historic Districts. The Village commercial, mixed use, and adjoining residential areas has been designated for special design and development standards. Other areas such as Traffic Way and East Grand Avenue have subsequently been added with different design guidelines and standards.

Q: How does the City identify historic properties?

A: In 1991, the City prepared a Historic Resource Inventory for the area in and around the Village, which then focused attention on resources within the Design Overlay District D-2.4. In 2003, this district was expanded to include a broader area subject to special design guidelines and standards for all discretionary projects but still subject to case-by-case evaluation. In 2006, the City created a Historic Resources Committee (HRC) and initiated a historic resource designation procedure involving a minor use permit process to help identify possible resources. Currently, the HRC is proposing criteria and considering incentives for historic resource identification and protection.

Q: What benefits and services are available to owners of historic properties?

A: Currently, the City has published design guidelines and standards to assist property owners considering preservation and alteration of their properties within D-2.4. Additionally, the City has used the Historic Building Codes to facilitate and encourage preservation of historic structures for more than a decade. In 2007, the City's new HRC began consideration of additional benefits and services such as Mills Act property tax relief, historic research assistance, and other incentives to encourage property owners to initiate historic resource designation procedures.

HONORABLE JUDGE ROGER PICQUET
SAN LUIS OBISPO COUNTY SUPERIOR COURT
November 8, 2007
Page 2

Q: Can historic properties be changed and if so, what is the process?

A: Yes, historic properties and others within the D-2.4 Design Overlay District can be altered and/or changed in use including possible structural demolition. All proposed building demolitions and any substantial exterior alterations are subject to Architectural Review Committee application approval including possible appeal to Planning Commission and City Council public hearing to assure that important historic character is not lost or adversely affected. Requests for alterations may also be reviewed by the Historical Resources Committee.

Q: What changes can be made to a historic structure without a building permit or ARC consideration?

A: Generally, any structural alterations and/or substantial exterior changes within the D-2.4 Historic Character Design Overlay District in and around the Village require both ARC approval and building permits while outside the district only building permits are required. If an owner of property outside the D-2.4 suspects that their property may be considered a historic resource or is not sure the proposed change would be structural, substantial or significant, they should confer with the City's building and community development departments prior to making such changes.

Q: How can property owners find out more about their historic properties or historical resources in their neighborhoods?

A: The City's Community Development Department planning professionals administer both CEQA and the local Historic Resource Committee's programs for historic preservation and protection. Because the HRC and local historic resource designation process are new, most criteria incentive programs and procedures for local designation are still being formulated or considered. However, current zoning, design and development standards, and other information are available on-line, by phone, or at the CDD counter: www.arroyogrande.org; call (805) 473-5420; come by or mail inquiries to the Community Development at 214 E. Branch Street, Arroyo Grande, CA 93420. Additional information may also be available at the Building Department office, particularly related to Building Codes.

If you should require additional information, please feel free to contact the City Manager's Office.

Sincerely,



TONY FERRARA
MAYOR
CITY OF ARROYO GRANDE



STEVEN ADAMS
CITY MANAGER
CITY OF ARROYO GRANDE

c: City Council
City Attorney
Director of Community Development
Sylvia Martinez, San Luis Obispo County Grand Jury



CITY OF ATASCADERO

July 17, 2007

Honorable Judge Roger Piquet, Presiding Judge
San Luis Obispo Superior Court
County Government Center
San Luis Obispo, CA 93408

Subject: 2006/2007 San Luis Obispo County Grand Jury Report: Historic Preservation - City Manager Response

This letter serves as the response of the City Manager to the referenced report. The comment of the City Council (as the governing body of the City of Atascadero) required under Penal Code section 933 will be filed following the review by the Council of the report and staff comments regarding the report.

The County Grand Jury has issued a report entitled Historic Preservation concerning the demolition permit process for the Farmers Alliance Building in Paso Robles. The report includes three recommendations for improving the process of identifying and protecting historic structures in the County. The Grand Jury has requested the City of Atascadero provide formal responses to two of the recommendations. The purpose of this letter is to provide that response to the Grand Jury's recommendations.

Grand Jury Recommendation #2

Local Governments in San Luis Obispo County that do not already have a Historic Preservation Committee/Commission should study the feasibility of creating one.

- The respondent agrees with the finding. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

The Atascadero General Plan Policy LOC 6.3 and 6.4 direct the City to protect historic Colony Houses and structures. The City of Atascadero currently makes historic resource determinations at the staff level unless the particular property is subject to the entitlement process such as a requested conditional use permit or a change in zone. Entitlements typically require Planning Commission and/or City Council approval and may be subject to a "Historic Overlay" zoning designation which adds further recognition and protection to properties of historic significance,

6907 EL CAMINO REAL • ATASCADERO, CA 93422 • (805) 461-5000 • FAX (805) 461-7612

consistent with our General Plan goals and policies for historic preservation. Although the need for an ongoing Historic Preservation Commission (HPC) has not been an issue, the City does utilize an equivalent mechanism for development topics of heightened community importance in the form of City Council appointed committees. Such a committee is currently monitoring and reporting on the restoration and rehabilitation planning and interim repair work for the historic Printery building. City Council appointed committees contain membership from a broad section of the community, and are staffed by professional planners with knowledge of historic preservation. These committees are advisory to the Planning Commission and/or the City Council.

Grand Jury Recommendation #3

If they are not already doing so, local communities should make available to their residents a handout/brochure containing information such as the following:

- *Does the community have an historic preservation program?*
 - *Does the community have historic districts?*
 - *How does the community identify historic properties?*
 - *What benefits and services are available to owners of historic properties?*
 - *Can historic properties be changed? If so, what is the process?*
 - *Can historic properties be demolished? If so, what is the process?*
 - *What changes can be made to an historic structure without a building permit?*
 - *How can property owners find out more about their historic properties?*
- The respondent agrees with the finding. The recommendation has been implemented.

Staff agrees with the Grand Jury's recommendation to create a handout/brochure for the public containing information about historic structure standards and programs. The City has created the brochure and it is attached.

Very Truly Yours,


Wade G. McKinney
City Manager



City of Grover Beach

Mayor Stephen C. Lieberman Mayor Pro Tem John P. Shoals
Council Member Chuck Ashton, Council Member Karen Bright, Council Member Bill Nicolls

Bob Perrault
City Manager

September 18, 2007

Hon. Roger T. Piquet, Presiding Judge
San Luis Obispo Superior Court
1035 Palm Street, Room 385
San Luis Obispo, CA 93408

SENT CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7005 2570 0000 9081 1168

RE: RESPONSE TO 2006-07 GRAND JURY REPORT

Honorable Judge Piquet:

This is to serve as a response by the City of Grover Beach to the findings and recommendations contained in the 2006-07 Grand Jury report. You have already received the responses of our City Manager Bob Perrault and our Police Chief Jim Copsy.

The City Council has considered the findings and recommendations in the report and concurs with the responses provided by staff.

Consequently, please be advised that with regard to issues dealing with Historic Preservation (Section 9, Recommendation 2 and 3), the City will evaluate the information distributed to the public to ensure that appropriate information regarding preservation is incorporated. As far as the establishment of a Historic Preservation Committee, due to the fact that no historic structures or districts are located within City limits, the decision to establish such a committee will be considered in the future.

With regard to issues of "local lock-up" (Section 19, Findings 1, 2 and 3 and Recommendation 1), the City Council agrees with the findings which state that law enforcement agencies in the County, including Grover Beach, maintain well-operated facilities and have professionally trained staff. The Council also agrees that the transport of prisoners to the County facility by our police officers has a greater impact on smaller jurisdictions like Grover Beach and usually leaves one less officer to patrol the streets.

The City Council also concurs with the recommendation to form a task force which would study the feasibility of a county-wide prisoner transport program. Our staff will work with the San Luis Obispo County Sheriff's Office and other local police departments to explore the possibility of such a program.

Respectfully submitted,

STEPHEN C. LIEBERMAN
Mayor

154 South Eighth Street ♦ Grover Beach, California 93433 ♦ FAX (805) 489-9657 ♦ www.grover.org

Administrative Svs./Water (805) 473-4550 ♦ Community Development - Building, Planning & Public Works (805) 473-4520
Parks & Recreation (805) 473-4580 ♦ Human Resources (805) 473-4564 ♦ City Clerk (805) 473-4568
City Council/City Manager (805) 473-4567 ♦ Police Administration (805) 473-4511 ♦ Fire Administration (805) 473-4590



Bob Perrault
City Manager

City of Grover Beach

Mayor Stephen C. Lieberman Mayor Pro Tem John P. Shoals
Council Member Chuck Ashton, Council Member Karen Bright, Council Member Bill Nicolls

file GJ
per RTP
7/30/07

July 26, 2007

Honorable Judge Roger Picquet
San Luis Obispo Superior Court
1035 Palm Street, Room 385
San Luis Obispo, CA 93408

RE: RESPONSE TO 2006-2007 GRAND JURY REPORT #9

Dear Honorable Judge Picquet:

I am officially responding to the 2006-2007 Report #9 entitled "Historic Preservation, Preserving the Past to Enrich the Future". As directed, I am responding to Recommendations 2 and 3.

Recommendation 2: This recommends that local governments in San Luis Obispo County that do not already have a Historic Preservation Committee / Commission should study the feasibility of creating one. In responding to this recommendation, I would like to indicate that the City of Grover Beach is unique in that it has no "historic buildings or historic districts". For this reason the formation of a Historic Preservation Committee / Commission is not warranted at this time.

As noted in the section of the report describing Grover Beach and its relationship to this issue, a study completed in 2002 referenced the fact that there are *no buildings or sites* listed in the National Register of Historic Sites. There are *no historic districts in the City*. Most of the construction completed in the City has been completed within the last 50 years or less. Based on the fact that there are very few buildings nearing the age of 50 and no historic sites have been identified in our City, it seems that organizing and staffing an independent commission or committee to study this issue would be a waste of taxpayer dollars.

The City will certainly continue to age and as that occurs there may be a need for such a committee in the future. I could support the periodic review of the matter as it becomes more relevant.

Recommendation 3: This recommends that if they are not already doing so, local communities should make available to their residents a handout / brochure containing certain information regarding preservation.

154 South Eighth Street ♦ Grover Beach, California 93433 ♦ FAX (805) 489-9657 ♦ www.grover.org

Administrative Svs./Water (805) 473-4550 ♦ Community Development - Building, Planning & Public Works (805) 473-4520
Parks & Recreation (805) 473-4580 ♦ Human Resources (805) 473-4564 ♦ City Clerk (805) 473-4568
City Council/City Manager (805) 473-4567 ♦ Police Administration (805) 473-4511 ♦ Fire Administration (805) 473-4590

Response to 2006-2007 Grand Jury Report #9
July 26, 2007
Page 2

Within the next six months, the City will review the information currently being made available to citizens to ensure that, where appropriate, preservation information is incorporated.

I appreciate the opportunity to review and respond to this report. Should you have any further questions regarding my response, please do not hesitate to contact me at Grover Beach City Hall (805) 473-4567.

Sincerely,



ROBERT PERRAULT
City Manager

c: Honorable Mayor and City Council
Cities in San Luis Obispo County –
Arroyo Grande, Pismo Beach, Morro Bay, San Luis Obispo, Paso Robles, Atascadero
Community Development Director Hansen



City of Morro Bay

Morro Bay, CA 93442
(805) 772-6200

August 15, 2007

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

Dear Presiding Judge:

Enclosed you will find the staff report to the Morro Bay City Council regarding the 2006-2007 Grand Jury Final Report, along with the minute order for that specific item. The 2006-2007 Grand Jury Final Report includes references, findings and recommendations about the services and operations of the City of Morro Bay. California Penal Code requires that each agency to which findings and recommendations are directed must, within 90 days of the release of the report, respond to the Presiding Judge of the Superior Court with comments on the findings and recommendations in the report.

Please advise me if there is any further information you may need in this matter.

Sincerely,

Bridgett Bauer
City Clerk

FINANCE
595 Harbor Street

ADMINISTRATION
595 Harbor Street

FIRE DEPT.
715 Harbor Street

PUBLIC SERVICES
955 Shasta Avenue

HARBOR DEPT.
1275 Embarcadero Road

CITY ATTORNEY
955 Shasta Avenue

POLICE DEPT.
870 Morro Bay Boulevard

RECREATION & PARKS
1001 Kennedy Way

Historic Preservation

The City staff and the City Council have reviewed the findings and recommendations of the Grand Jury with regard to historic preservation and agree with them in concept. As noted by the Grand Jury, further program enhancements would require new and additional resources. Such resources are not available to this city at this time. At such time as resources do become available for this work, the city would consider further enhancement of the program beyond that in place at this time.

Short-term Holding Facilities and Prisoner Transport

The City staff and the City Council have reviewed the findings and recommendations of the Grand Jury with regard to the operation of short-term holding facilities and transportation of prisoners. We agree with both the findings and recommendations in concept. Staff recommends that the City Council endorse Chief De Rohan's written response and approve it as the City Council's response including the caveat that services are limited by available resources.

The appropriate Grand Jury Report sections and Chief De Rohan's response are attached.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JULY 9, 2007
VETERANS MEMORIAL HALL - 6:00 P.M.

D-8 RESPONSE TO 2006-2007 GRAND JURY FINAL REPORT; (CITY
ATTORNEY)

City Manager Robert Hendrix stated the 2006/2007 San Luis Obispo County Grand Jury Final Report includes references, findings and recommendations about the services and operations of the City of Morro Bay. The California Penal Code requires that each agency to which findings and recommendations are directed must, within 90 days of the release of the report, respond to the Presiding Judge of the Superior Court with comments on the findings and recommendations in the report. The Final Report addresses the issue of Historic Preservations and “for comparison purposes” reviewed the processes and procedures in place within the City of Morro Bay to preserve cultural and architectural resources. Mr. Hendrix recommended the City Council: 1) review the Final Report; 2) evaluate the findings and recommendations as they relate to the City; 3) approve this staff report with attachments as the response of the City Council to the Presiding Judge; and, 4) direct the City Clerk to forward a copy of this report with attachments and the minute order reflecting City Council action on this item to the Presiding Judge of the Superior Court.

MOTION: Councilmember Peirce moved the City Council approve this staff report with attachments as the response of the City Council to the Presiding Judge; and direct the City Clerk to forward a copy of this report with attachments and the minute order reflecting City Council action on this item to the Presiding Judge of the Superior Court. The motion was seconded by Councilmember DeMeritt and carried unanimously. (4-0)

ATTEST:



Bridgett Bauer
City Clerk



*City of Pismo Beach
City Council
760 Mattie Road
Pismo Beach, CA 93449
805-773-4657*

November 6, 2007

The Honorable Roger T. Picquet, Presiding Judge
San Luis Obispo Superior Court
County Government Center
San Luis Obispo, CA 93408

Subject: Response to Grand Jury report entitled "Historic Preservation – Preserving the Past to Enrich the Future"

Dear Judge Picquet,

Please accept this letter as the response of the City Council of the City of Pismo Beach to the Grand Jury report entitled "Historic Preservation – Preserving the Past to Enrich the Future". This response is submitted pursuant to Penal Code Sections 933(c) and 933.05. We thank each of the Grand Jury members for the valuable service they provide to our citizenry.

Recommendation 2

Local governments in San Luis Obispo County that do not already have a Historic Preservation Committee / Commission should study the feasibility of creating one. Information about these committees / commissions can be obtained for the state Office of Historic Preservation.

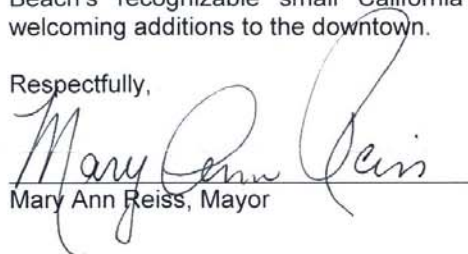
Response: The City agrees with the finding in part and disagrees with the finding in part. The City agrees that Historic Preservation is an important issue in the continuing development of our community. In the City of Pismo Beach the Planning Commission is charged with this task as part of their Architectural Review responsibilities. In the City of Pismo Beach if a building is more than 50 years old or appears to be an older building, the applicant is required to provide a professional assessment of the building's age and significance. This information is then utilized by City staff and the Planning Commission in their decision making process. We believe this process provides for public participation while preserving our community's heritage.

Recommendation 3

If they are not already doing so, local communities should make available to their residences a handout / brochure on historic preservation within the community.

Response: To the extent the recommendation suggests that the City prepare a brochure related to Historic Preservation, the City of Pismo Beach has been for several months developing a draft "Historic Pismo Beach Design Guidelines". The above draft guidelines are scheduled for beginning review by the City of Pismo Beach Planning Commission on November 27, 2007. The draft Historic Pismo Design guidelines are based on the concept that historic resources are important to the community and should be preserved as best as possible. New construction and design should endeavor to retain a similar scale, massing and detailing as the historic architectural styles of downtown Pismo Beach. These guidelines intend to maintain and enhance Pismo Beach's recognizable small California beach-town character while at the same welcoming additions to the downtown.

Respectfully,




Mary Ann Reiss, Mayor

CC: Randy Bloom, Community Development Director
Kevin Rice, City Manager

City of El Paso Robles

TO: James L. App, City Manager

FROM: Ronald Whisenand, Community Development Director 

SUBJECT: Grand Jury Report on Historic Preservation

DATE: June 19, 2007

Needs: Review the Grand Jury's report and recommendations and provide a response as required by law.

Facts:

1. The 2006/2007 County Grand Jury investigated and reported on the City's handling of Smart & Final's 2005 request to demolish the Farmer's Alliance Building (Attachment 1).
2. On July 5, 2006, the City Council designated the Farmer's Alliance Building an historically significant resource meeting the criteria for listing on the National Register of Historic Places and directed staff to add the building to the City's inventory of historic resources.
3. Council's decision, which was supported by evidence in the public record, followed the City's Municipal Code requirements for the review of potentially historic properties and fully complied with the California Environmental Quality Act.
4. Subsequent to the 2006 determination, the Grand Jury reviewed Council's action and the process by which the City treats potentially significant buildings and properties.
5. Section 933.05 (c) of California Penal Code requires the City Council to respond to the findings and recommendations contained in the Grand Jury Report. The deadline for response is July 20, 2007.

Analysis &
Conclusion:

The Grand Jury's investigation did not identify any violations of local or State laws. In fact, the City:

- Followed Municipal Code procedures on the treatment of potentially significant historic properties
- Investigated the potential significance of the building in accordance with the Secretary of the Interior Standards for the Treatment of Historic Properties and the California Environmental Quality Act
- Based decisions and findings on facts and information in the public record

There are a few factual errors contained in the Grand Jury's Report. A detailed analysis of those factual errors and omissions is provided in Attachment 3. These comments provide a more complete picture of how Smart & Final and their application were handled and document the factual information that supported the Council's finding of historical significance.

The Grand Jury Report includes four findings and three recommendations. The findings and recommendations focus on the need to update the City's historical preservation inventory and develop a program to preserve historic resources. As pointed out in the draft response letter (Attachment 2), update of the City's historic inventory and preparation of an Historic Ordinance is a Council goal that grew out of the February 15, 2007 Community Goal Setting Workshop. The update work program is waiting for inclusion in a future budget.

Policy
Reference:

Not applicable

Fiscal
Impact:

The Council previously inquired about the cost to update the City's Historic Inventory and development of an Historic Preservation Ordinance. As outlined in the attached Memo dated 8/31/06 (Attachment 4), the total cost to address recommendations contained in the Grand Jury Report would be approximately \$80,000. The workscope would include recommendations on the creation of a committee or commission that would be responsible for historic preservation.

Options:

- a. Authorize the Mayor to sign a letter responding to the Grand Jury Report (draft attached, Attachment 2)
- b. Amend, modify or reject the foregoing option.

Attached:

1. Grand Jury Report
2. Draft Mayor Response Letter
3. Detailed Comments on Grand Jury Report
4. Cost Summary of Historic Preservation Program



CITY OF EL PASO DE
"The Pass of the Oaks"

**Attachment 2
Draft Grand Jury
Response Letter**

June 20, 2007

The Honorable Roger Picquet, Presiding Judge
San Luis Obispo County Superior Court
1035 Palm Street Room 385
San Luis Obispo, CA 93408

Dear Judge Picquet:

Response to 2007 Grand Jury Report – "Historic Preservation"

The City Council reviewed and discussed the above referenced Grand Jury report at its meeting June 19, 2007. On behalf of the City Council I would like to thank the Grand Jury for its thoughtful evaluation of the status of the historic preservation in the City of Paso Robles.

We are pleased the report confirms that the City of El Paso de Robles followed all adopted local and State laws and supported their actions with findings of fact that are part of the public record. However, there remain a few factual issues contained in the final report that merit attention. I have attached a detailed summary of these matters for your reference.

As for the recommendations of the Grand Jury, the City Council agrees that the City of El Paso de Robles should update its historic resource inventory. In fact on July 5, 2006 after designating the Farmers Alliance Building as an historically significant building, the Council directed staff to report back on the process and cost to update the City's inventory and adopt an Historic Preservation Ordinance. This update effort was confirmed as a City Council Goal on February 15, 2007 and awaits future funding and implementation. The update process will also explore the merits of creating an Historic Preservation Commission/Committee (Grand Jury Recommendation No. 2) and informational handouts/incentive program (Grand Jury Recommendation No. 3).

Once again, we appreciate the Grand Jury's recognition of the importance to preserve the City's rich historical past.

Sincerely,

Frank R. Mecham
Mayor

Attachments

cc: Council
Planning Commission
Jim App, City Manager
Iris Yang, City Attorney
Ronald Whisenand, Community Development Director

1000 SPRING STREET • PASO ROBLES, CALIFORNIA 93446

06/17/07 Agenda Item No. 17, Page 27 of 35

Report Responses

Page: R-80

Attachment 3 Comments on Grand Jury Report

Response to May 23, 2007 Grand Jury Report Historic Preservation: Preserving the Past to Enrich the Future

1. Page 4 (lines 115-126) The report states; “Prior to the purchase, Smart & Final did their due diligence. A representative from Smart & Final reported to the Grand Jury the following events: In May, 2004 they discussed the subject site with the city’s Associate Planner and asked whether they would be able to build a Smart & Final store on the site and if the site had historical significance. The Associate Planner responded that the site was not historically significant, and that the company could build what they were requesting, as long as they followed the Table of the Land Use requirements.” The report seems to imply that Smart & Final was unfairly treated and misled by City staff. Without the complete story, it is understandable how one could draw such a conclusion. However, for the record, City staff met with representatives of Smart & Final and outlined the process that all buildings proposed for demolition must go through (consistent with Municipal Code requirements). The Associate Planner has no authority under the Municipal Code to authorize demolitions, he did not advise the applicant that a “demolition permit would not be a problem.”
2. Page 4 (line 115) As to Smart & Final’s due diligence on the property, it has been previously pointed out that Smart & Final’s own representatives brought into the City a copy of an August 20, 1922 newspaper article about the completion of the Almond Grower’s Warehouse.
3. Page 4 (lines 128-131 and footnote 2) Copies of the following letters and emails were provided to Grand Jury investigators:
 - a. Michael Buhler; Regional Attorney, National Trust for Historic Preservation
 - b. Milford Wayne Donaldson, State Historic Preservation Officer
 - c. Paula Juelke Carr
 - d. Thomas Wheeler; Board Member, Heritage Shared
 - e. Matt Masia
 - f. Barbara Bilyeu
 - g. Michael Magliari; Profession of History, California State University Chico

In addition, a copy of the minutes from the October 4, 2005 Council meeting (previously provided to the Grand Jury) show that in addition to the Smart & Final representative, the Council also heard testimony from Bob Tomaszewski, Ron Rose, Dennis Judd, Norma Moye, Gene Ernst, Walt Heer, Tom Hardwich, and Charles Narrow.

4. Page 4 (lines 133-134) The outcome of that hearing, as previously reported to the Grand Jury, was to direct the preparation of an historical evaluation to verify input received at the hearing that the building was “historically significant” as defined by the California Environmental Quality Act (CEQA) and to explore alternatives to demolition.
5. Page 5 (lines 135-138) As directed by the City Council, a “Historic Resource Evaluation” was required in order to assess the historic significance of the Farmer’s Alliance Building pursuant to the California Environmental Quality Act. The report

concluded the building meets the criteria for listing on the National and State Register of Historic Places. Based on this report and public testimony, the Council determined that the building was a significant historical resource to the City of El Paso de Robles. The demolition permit was denied due to the finding that doing so “would have a significant and adverse impact to the environment in accordance with CEQA.” (see Council staff report and minutes from the meeting of July 5, 2006 previously provided to the Grand Jury)

6. Page 6 (lines 160-166) Plans for demolition were submitted to the City of el Paso de Robles. The Planning Director at that time was Robert Lata. Since City staff has no authority to authorize demolition, it is understandable why no “adverse or positive response to the plans” was provided.
7. Page 6 (lines 169-179) The report cites four examples of other buildings that received approvals for demolition. Important facts missing from the report are as follows:
 - a. All four buildings went through the same Municipal Code process for demolition as did the Farmer’s Alliance Building.
 - b. All four demolition requests were approved based on findings in the record that the structures in question “were not historically significant.”
 - c. Based on evidence in the record, that same finding could not be made with the request to demolish the Farmer’s Alliance Building.
8. Page 7 (lines 184-187) See statement of facts in response 3 above.
9. Page 7 (lines 202-203) As previously stated in 5 above, the Council’s denial of the demolition request was based on the finding that doing so “would have a significant and adverse impact to the environment in accordance with CEQA.” Demolition would have had an “adverse impact to an environmental resource” and thus triggered an EIR in accordance with State law.
10. Pages 7 & 8 (lines 204-211) The Farmer’s Alliance Building and the “several other permits for demolition” all followed the exact same process outlined in the City’s Municipal Code. Smart & Final was not treated differently. The only difference was that their building was identified during this process to be a significant historic resource unlike the other buildings that were removed. Also as explained to Grand Jury members, the California Environmental Quality Act defines “historically significant buildings” as:
 - a. Those designated on the National Register of Historic Places;
 - b. Those designated on the California Register of Historic Places;
 - c. Those designated on a local list of Historic Places (not on a local inventory of properties); and
 - d. **Those properties not previously listed, but eligible for listing based on new information or evaluation.**
11. Page 8 (lines 213-216) The Grand Jury concluded that the Farmer’s Alliance Building was the only demolition request to include “public notice required by CEQA.” The Council minutes (previously supplied) clearly state that the Council adopted the required Negative Declaration pursuant to CEQA. Public notice was supplied in each case in a manner required by law (see attached).
12. Page 15 (lines 392-394) The Grand Jury concludes that Smart & Final will be unable to use this building because of its historical significance. It is important to point out that in denying the request for demolition; the Council encouraged Smart & Final to explore an adaptive re-use of the building for their operations. It is also

important to point out that adapting restored historic buildings for commercial enterprises is a common practice throughout the nation.

13. Page 16 (lines 407-408) Recommendation 1 is unclear. Current procedures are clearly called out in the Municipal Code (copy provided to Grand Jury members). Those procedures were followed in each and every case cited in the report. Given the relationship to Findings 1 and 2, the City is assuming that the Grand Jury is recommending that the City update its Inventory of Historic Resources and prepare an Historic Preservation Ordinance and/or procedures for the treatment of potentially historic properties.

Attached:

Verification of Public Notice (ref. comment 11)

THE *Newspaper of the Central Coast*
TRIBUNE

3825 South Higuera • Post Office Box 112 • San Luis Obispo, California 93406-0112 • (805) 781-7800

In The Superior Court of The State of California
In and for the County of San Luis Obispo
AFFIDAVIT OF PUBLICATION

AD #6159670
CITY OF PASO ROBLES

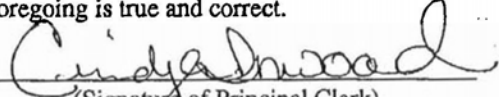
STATE OF CALIFORNIA,

ss.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates, to-wit MARCH 30, 2005; that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.


(Signature of Principal Clerk)

DATED: MARCH 30, 2005
AD COST: \$68.08

CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARING
NOTICE OF NEGATIVE DECLARATION
OF ENVIRONMENTAL IMPACT
NOTICE IS HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing to consider Demolition 05-002, a request by Pulls & Associates on behalf of First United Methodist Church of Paso Robles, to demolish the building located at 1344 Oak Street (Parcel No. 009-037-012).
The property owner has not indicated in what form they plan on replacing the building. Any application for new construction would be subject to separate consideration consistent with Zoning Code requirements.
The public review period for the Draft Negative Declaration commences on March 30, 2005 and ends at the Public Hearing, which is scheduled to take place on Tuesday, April 19, 2005 at the hour of 7:30 pm in the Conference Center (First Floor) at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California. All interested parties may appear and be heard at this hearing.
Copies of the staff report to the City Council will be available for review in the City Library and City Hall on the Friday before the City Council meeting. Photocopies of the staff report may be purchased for the cost of reproduction.
Written comments on the proposed demolition may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Darren Nash at (805) 237-3970.
If you challenge the demolition application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.
Darren Nash, Associate Planner
March 30, 2005 6159670



April 19, 2005

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

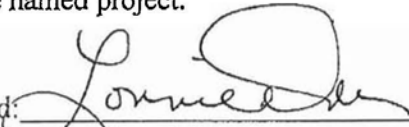
Newspaper: Tribune

Date of Publication: March 16, 2005

Meeting Date: April 5, 2005
(City Council)

Project: Demolition 05-001
(Murrell/Searidge Investments)

I, Lonnie Dolan, employee of the Community Development Department, Planning Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: 
Lonnie Dolan

forms\newsaffi.691

CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARING
NOTICE OF INTENT TO ADOPT
A NEGATIVE DECLARATION
NOTICE IS HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing to consider adoption of a Negative Declaration (statement that there will be no significant environmental effects) in accordance with the provisions of the California Environmental Quality Act (CEQA) for the following project:
DEMO 05-001: a proposal filed by Tom Murrell on behalf of Searidge Investments, for the demolition of the existing house located at 2127 Oak Street. The applicants are proposing to demolish the structure and rebuild new residential dwelling units on the site. The notice is consistent with the processing procedures for Significant Buildings or Structures as described in Section 17.16.050 of the City of Paso Robles Zoning Code.
The public review period for the Draft Negative Declaration commences on March 16, 2005 and ends at the Public Hearing, which is scheduled to take place on Tuesday, April 5, 2005 at the hour of 7:30 pm in the Conference Center (First Floor) at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California. All interested parties may appear and be heard at this hearing.
The proposed Negative Declaration may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction.
Written comments on the proposed Demolition Permit and Negative Declaration may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Darren Nash at (805) 237-3970.
If you challenge the Demolition Permit or Negative Declaration applications in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.
Darren Nash, Associate Planner
March 16, 2005 0149693

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

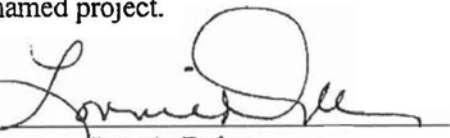
Newspaper: Tribune

Date of Publication: June 1, 2005

Meeting Date: June 21, 2005
(City Council)

Project: Demolition 05-003
(Norm Bridge-1319 Spring St.)

I, Lonnie Dolan, employee of the Community Development Department, Planning Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: 
Lonnie Dolan

forms\newsaffi.691

CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARING
NOTICE OF NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

NOTICE IS HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing to consider Demolition 05-003, a request by Ralph McCarthy on behalf of Norman & Frances Bridge, to demolish the unreinforced masonry building located at 1319 Spring Street (Parcel No. 009-037-010).

The property owner has not indicated in what form they plan on replacing the building. Any application for new construction would be subject to separate consideration consistent with Zoning Code requirements.

The public review period for the Draft Negative Declaration commences on June 1, 2005 and ends at the Public Hearing, which is scheduled to take place on Tuesday, June 21, 2005, at the hour of 7:30 pm in the Conference Center (First Floor) at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California. All interested parties may appear and be heard at this hearing.

Copies of the staff report to the City Council will be available for review in the City Library and City Hall on the Friday before the City Council meeting. Photocopies of the staff report may be purchased for the cost of reproduction.

Written comments on the proposed demolition may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Darren Nash at (805) 237-3970.

If you challenge the demolition application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to the public hearing.

Darren Nash, Associate Planner
June 1, 2005 6192057

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

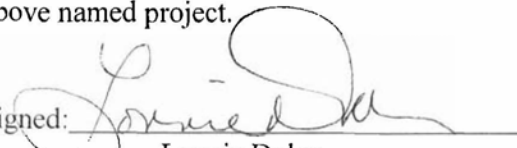
Newspaper: Tribune

Date of Publication: June 29, 2005

Meeting Date: July 19, 2005
(Planning Commission)

Project: Demolition 05-004 (First
Mennonite Church 733-23rd St.)

I, Lonnie Dolan, employee of the Community
Development Department, Planning Division, of the City
of El Paso de Robles, do hereby certify that this notice is
a true copy of a published legal newspaper notice for the
above named project.

Signed: 
Lonnie Dolan

forms/newsaffi.691

CITY OF EL PASO DE ROBLES

NOTICE OF PUBLIC HEARING

NOTICE OF INTENT TO ADOPT
A NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing to consider adoption of a Negative Declaration (statement that there will be no significant environmental effects) in accordance with the provisions of the California Environmental Quality Act (CEQA) for the following project:

DEMO 05-004: a proposal filed by First Mennonite Church, for the demolition of the existing house located at 733 23rd Street. The applicants are proposing to demolish the structure so that the pre-school play ground can be enlarged.

The notice is consistent with the processing procedures for Significant Buildings or Structures as described in Section 17.16.050 of the City of Paso Robles Zoning Code.

The public review period for the Draft Negative Declaration commences on June 29, 2005 and ends at the Public Hearing, which is scheduled to take place on Tuesday, July 19, 2004 at the hour of 7:30 pm in the Conference Center (First Floor) at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California. All interested parties may appear and be heard at this hearing.

The proposed Negative Declaration may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction.

Written comments on the proposed Demolition Permit and Negative Declaration may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Darren Nash at (805) 237-3970.

If you challenge the Demolition Permit or Negative Declaration applications in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

Darren Nash, Associate Planner
June 29, 2005

6207679

**Attachment 4
Cost Summary of
Historic Ordinance**

Memorandum

To: Mayor and Council

From: Ronald Whisenand, Community Development Director 

CC: Jim App, City Manager

Date: 08/31/2006

Re: Historic Preservation Ordinance Options

As a follow-up to your July 5th action to designate the Farmer's Alliance building as a historical resource, you asked about updating the City's Historic Resource Inventory and preparation of an Historic Preservation Ordinance.

The City's current inventory of historic properties was last updated in 1984. The needed historical research and property surveys that would lead to an updated Historic Resource Inventory would cost approximately \$40,000.

Preparation of the Ordinance, evaluation of possible historic districts, and historic preservation training for staff and decision makers has been estimated to cost an additional \$35,000, therefore, both components would cost \$75,000-\$80,000 to complete.

Historic preservation is one of several valuable programs that are called for in your recently adopted Economic Strategy. It would, therefore, seem advisable that each of those programs be evaluated together during the 2007 goal-setting and budget update process. In the meantime, staff will continue to evaluate impacts to historic properties through the regulatory guidelines provided by the California Environmental Quality Act.



CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

CITY COUNCIL MINUTES

Tuesday, June 19, 2007 7:30 PM

**MEETING LOCATION: PASO ROBLES LIBRARY/CITY H ALL CONFERENCE CENTER 1000
SPRING STREET**

**PLEASE SUBMIT ALL CORRESPONDENCE FOR CITY COUNCIL PRIOR
TO THE MEETING WITH A COPY TO THE CITY CLERK**

7:30 PM – CONVENE REGULAR MEETING CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE INVOCATION ROLL CALL Councilmembers John Hamon Gary Nemeth,
Duane Picanco, Fred Strong, and

Frank Mecham

PUBLIC COMMENTS

Mayor Mecham recognized Police Chief Cassidy for his 33 years of service on the occasion of his retirement (June 30) and last time to participate in a City Council meeting in that capacity.

Christie Withers reminded the public of the Library Foundation's Midsummer Magic fundraising event

on July 7, 2007. Chuck Miller announced upcoming activities at the Estrella Warbird Museum. **AGENDA**

ITEMS TO BE DEFERRED (IF ANY) -None PRESENTATIONS

1. Recognition 2 007 State CIF Academic Golf Team

F. Mecham, Mayor

Recognition of Paso Robles High School students Will Dahlen, Wes Leva nduski, Dan Aten, Kevin Sepulveda, Jon-Eric Cook, Ben Bourgault, and Coach John Lambie.

PUBLIC HEARINGS – No ne CONSENT C ALENDAR

Mayor Mecham called for pub lic comments on Consent Calendar items. There were no comments from the public, either written or oral, and th e public discussion was closed.

1 Approve City Council minutes: May 23 and May 29, 2007 Budget Workshop Minutes May 30, 2007 Downtown Parking Action Plan Workshop Minutes June 5, 2007 Regular City Council Meeting Minutes June 7, 2007 Regular Adjourned City Council Meeting

2 Approve Warrant Register: Nos. 70386—70493 (06/01/07) an d 70494—70636 (06/08/07)

3 Receive and file Advisory Body Committee minutes as follows: Senior Citizen Advisory Committee meeting of May 14, 2007 Youth Commission meeting of May 2, 2007

4 Adopt Resolution No. 07-121 approving an amendment to the September 1, 1987 long-term lease agreement with Milton C. Culver and Donald L. Culver for Parcel 52, in the Airport Industrial Park. The lease is in full compliance with all term and conditions of the agreement.

5 Adopt Resolution 07-122 accepting the Grant of Avigation Easements from Justin Sorrentino for 4320 and 4350 Deer Creek Way, north of Highway 46 and east of Jardine Road. San Luis Obispo County approved the permits for construction of single-family residences, conditioned on avigation easements in accordance with the County Airport Land Use Plan, in favor of the City.

6 Adopt Resolution No. 07-123 authorizing the Director of Administrative Services to engage the services of AK & Company to provide mandated cost claiming services on behalf of City.

7 Approve request to disband Ad Hoc Committee formed to review the proposed adjustments to the Nacimiento Water use fees in connection with Proposition 218 requirements; therefore, the ad hoc committee has completed its task and may be disbanded.

8 Approve request to disband Ad Hoc Committee appointed to assist in the development of the 2-Year Budget/4-Year Financial Plan for Fiscal Years 2008-2011, as the work of this is now completed, and this committee may be disbanded.

9 Adopt Resolution No.07-124 accepting the public improvements of Tract 2594, located along the north side of Highway 46E, east of Wallace Drive and south of Combine Street. The improvements have been constructed to the satisfaction of City staff. (Applicant: Golden Hills Business Park, LLC)

10 Adopt Resolution No. 07-125 annexation of Parcel Map PR 05-0013, a two-lot residential subdivision at 1601 Pine Street, to CFD No. 2005-1, and adopt Resolution No. 07-126 accepting the recordation of the property. (Applicant: Steve and Gaye Holman)

11 Adopt Resolution No. 07-127 annexation of Parcel Map PR 05-0367, a two-lot residential subdivision at 250 Hilltop Drive, to CFD No. 2005-1, and adopt Resolution No. 07-128 accepting the recordation of the property. (Applicant: John and Vaughn Boyd)

12 Adopt Resolution No. 07-129 authorizing the recordation of Tract 2778-1, an 8-lot subdivision located at the east end of Wisteria Lane, and authorizing the Mayor to execute the Subdivision Improvement Agreement guaranteeing the construction of the subdivision improvements with an established deadline of June 19, 2008 to complete these improvements. (Applicant: Tom Erskine)

13 Read, by title only, and adopt Ordinance No. 932 N.S., creating an alternative enforcement tool to allow processing Municipal Code violations in a civil manner through the issuance of an administrative citation; and providing a procedure whereby the City's Enforcement Officers shall declare public nuisances. The Ordinance also provides for their abatement. Fines may be waived if evidence is presented to an enforcement officer that the violation has been corrected within fifteen (15) days of date of the citation. (1st reading June 5, 2007)

14 Read, by title only, and adopt Ordinance No. 934 N.S., expanding the zoning districts that would allow the placement of cellular facilities to the Residential, Office Professional and Parks and Open Space (POS) districts, with the approval of a Conditional Use Permit, when the facilities within these districts are

located in a public or quasi-public property/building such as a church, school, golf course, or community building. (1st reading June 5, 2007).

Consent Calendar Items Nos. 2-15 were approved on a single motion by Councilmember Strong, seconded by Councilmember Nemeth, with Councilmember Picanco abstaining on Warrant Register Items Nos. 070431, 070455, 040485, 070589 and 070625, Mayor Mecham abstaining on Warrant Register Nos. 070514 and 070619. Councilmember Hamon abstained on Item No. 11.

Motion passed by the following roll call vote:

AYES: Hamon, Nemeth, Picanco, Strong, and Mecham

NOES:

ABSTAIN:

ABSENT:

DISCUSSION

16. Use of Septic System – 950 Walnut Drive

R. Whisenand, Community Development Director

The City Council considered a request to allow continued septic tank usage and replacement of an existing leach field at 950 Walnut Drive. The nearest available sanitary sewer main is located on Union Road, approximately 500 feet to the west. John Falkenstien presented the staff report.

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Hamon, moved to adopt Resolution No. 07-130 authorizing continued usage of a septic system for an existing single-family residence at 950 Walnut Drive (APN 025-041-009) subject to Conditions a through k as stated in Municipal Code Section 14.08.070 K 4 "Conditions."

Motion passed by the following unanimous roll call vote:

AYES: Hamon, Nemeth, Picanco, Strong, and Mecham

NOES:

ABSTAIN:

ABSENT:

17. Grand Jury Report on Historic Preservation

R. Whisenand, Community Development Director

The City Council reviewed the Grand Jury's May 23, 2007 report on the City's handling of Smart & Final's 2005 request to demolish the Farmer's Alliance Building, and provide a response as required by law.

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Hamon, seconded by Councilmember Strong, moved to authorize the Mayor to sign a letter responding to the Grand Jury Report.

Motion passed by voice vote:

18. Marketing & Promotion: Visitor Center Services

J. App, City Manager

The City Council considered a tentative agreement with the Paso Robles Chamber of Commerce for Visitor Center services.

Mayor Mecham opened the public hearing. Speaking from the public was Marilyn Curry, Chair of the Paso Robles Chamber of Commerce, and Mike Gibson, President of the Chamber. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Hamon, seconded by Councilmember Nemeth, moved to for the City Council to:

- 1 Approve the Tentative Agreement; and
- 2 Direct the preparation of a Contract detailing the agreed upon services; and;
- 3 Authorize interim payments for Visitor Center Services commencing July 1, 2007 on a month-to-month basis through September 30, 2007 at a rate equal to 1/12th of \$110,000.

Motion passed by the following unanimous roll call vote:

AYES: Hamon, Nemeth, Strong, and Mecham

NOES: Picanco

ABSTAIN:

ABSENT:

19. National Flood Insurance Program

R. Whisenand, Community Development Director

For the City Council to authorize a contract with Rick Engineering for civil engineering services related to requirements from the Federal Emergency Management Agency (FEMA) for participation in the National Flood Insurance Program (NFIP).

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Strong, moved to adopt Resolution No. 07-131 authorizing the agreement with Rick Engineering for civil engineering services related to NFIP, and approving a one-time budget appropriation not to exceed \$15,000.

Motion passed by the following unanimous roll call vote:

AYES: Hamon, Nemeth, Picanco, Strong, and Mecham

NOES:

ABSTAIN:

ABSENT:

CITY MANAGER - None

CORRESPONDENCE - None

AD HOC COMMITTEE COMMUNICATION

COUNCIL COMMITTEES (Including oral reports on conferences attended) - None

ADJOURNMENT:

THE INSTALLATION CEREMONY FOR PASO ROBLES POLICE CHIEF, LISA SOLOMON-CHITTY, AT 10:00 AM, ON MONDAY, JULY 2, 2007 AT THE CITY PARK

THE REGULAR MEETING AT 7:30 PM ON TUESDAY, JULY 3, 2007, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

Submitted:

Deborah D. Robinson, Deputy City Clerk

Approved as corrected: July 3, 2007



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

The Honorable Roger Picquet, Presiding Judge
San Luis Obispo County Superior Court
1035 Palm Street Room 385
San Luis Obispo, CA 93408

Dear Judge Picquet:

Response to 2007 Grand Jury Report – “Historic Preservation”

The City Council reviewed and discussed the above referenced Grand Jury report at its meeting June 19, 2007. On behalf of the City Council I would like to thank the Grand Jury for its thoughtful evaluation of the status of the historic preservation in the City of Paso Robles.

We are pleased the report confirms that the City of El Paso de Robles followed all adopted local and State laws and supported their actions with findings of fact that are part of the public record. However, there remain a few factual issues contained in the final report that merit attention. I have attached a detailed summary of these matters for your reference.

As for the recommendations of the Grand Jury, the City Council agrees that the City of El Paso de Robles should update its historic resource inventory. In fact on July 5, 2006 after designating the Farmers Alliance Building as an historically significant building, the Council directed staff to report back on the process and cost to update the City’s inventory and adopt an Historic Preservation Ordinance. This update effort was confirmed as a City Council Goal on February 15, 2007 and awaits future funding and implementation. The update process will also explore the merits of creating an Historic Preservation Commission/Committee (Grand Jury Recommendation No. 2) and informational handouts/incentive program (Grand Jury Recommendation No. 3).

Once again, we appreciate the Grand Jury’s recognition of the importance to preserve the City’s rich historical past.

Sincerely,



Frank R. Mecham
Mayor

Planning Commission
Jim App, City Manager ✓
Iris Yang, City Attorney
Ronald Whisenand, Community Development Director

Response to May 23, 2007 Grand Jury Report
Historic Preservation: Preserving the Past to Enrich the Future

1. Page 4 (lines 115-126) The report states; “Prior to the purchase, Smart & Final did their due diligence. A representative from Smart & Final reported to the Grand Jury the following events: In May, 2004 they discussed the subject site with the city’s Associate Planner and asked whether they would be able to build a Smart & Final store on the site and if the site had historical significance. The Associate Planner responded that the site was not historically significant, and that the company could build what they were requesting, as long as they followed the Table of the Land Use requirements.” The report seems to imply that Smart & Final was unfairly treated and misled by City staff. Without the complete story, it is understandable how one could draw such a conclusion. However, for the record, City staff met with representatives of Smart & Final and outlined the process that all buildings proposed for demolition must go through (consistent with Municipal Code requirements). The Associate Planner has no authority under the Municipal Code to authorize demolitions, he did not advise the applicant that a “demolition permit would not be a problem.”
2. Page 4 (line 115) As to Smart & Final’s due diligence on the property, it has been previously pointed out that Smart & Final’s own representatives brought into the City a copy of an August 20, 1922 newspaper article about the completion of the Almond Grower’s Warehouse.
3. Page 4 (lines 128-131 and footnote 2) Copies of the following letters and emails were provided to Grand Jury investigators:
 - a. Michael Buhler; Regional Attorney, National Trust for Historic Preservation
 - b. Milford Wayne Donaldson, State Historic Preservation Officer
 - c. Paula Juelke Carr
 - d. Thomas Wheeler; Board Member, Heritage Shared
 - e. Matt Masia
 - f. Barbara Bilyeu
 - g. Michael Magliari; Profession of History, California State University Chico

In addition, a copy of the minutes from the October 4, 2005 Council meeting (previously provided to the Grand Jury) show that in addition to the Smart & Final representative, the Council also heard testimony from Bob Tomaszewski, Ron Rose, Dennis Judd, Norma Moye, Gene Ernst, Walt Heer, Tom Hardwich, and Charles Narrow.

4. Page 4 (lines 133-134) The outcome of that hearing, as previously reported to the Grand Jury, was to direct the preparation of an historical evaluation to verify input received at the hearing that the building was “historically significant” as defined by the California Environmental Quality Act (CEQA) and to explore alternatives to demolition.
5. Page 5 (lines 135-138) As directed by the City Council, a “Historic Resource Evaluation” was required in order to assess the historic significance of the Farmer’s Alliance Building pursuant to the California Environmental Quality Act. The report

concluded the building meets the criteria for listing on the National and State Register of Historic Places. Based on this report and public testimony, the Council determined that the building was a significant historical resource to the City of El Paso de Robles. The demolition permit was denied due to the finding that doing so “would have a significant and adverse impact to the environment in accordance with CEQA.” (see Council staff report and minutes from the meeting of July 5, 2006 previously provided to the Grand Jury)

6. Page 6 (lines 160-166) Plans for demolition were submitted to the City of el Paso de Robles. The Planning Director at that time was Robert Lata. Since City staff has no authority to authorize demolition, it is understandable why no “adverse or positive response to the plans” was provided.
7. Page 6 (lines 169-179) The report cites four examples of other buildings that received approvals for demolition. Important facts missing from the report are as follows:
 - a. All four buildings went through the same Municipal Code process for demolition as did the Farmer’s Alliance Building.
 - b. All four demolition requests were approved based on findings in the record that the structures in question “were not historically significant.”
 - c. Based on evidence in the record, that same finding could not be made with the request to demolish the Farmer’s Alliance Building.
8. Page 7 (lines 184-187) See statement of facts in response 3 above.
9. Page 7 (lines 202-203) As previously stated in 5 above, the Council’s denial of the demolition request was based on the finding that doing so “would have a significant and adverse impact to the environment in accordance with CEQA.” Demolition would have had an “adverse impact to an environmental resource” and thus triggered an EIR in accordance with State law.
10. Pages 7 & 8 (lines 204-211) The Farmer’s Alliance Building and the “several other permits for demolition” all followed the exact same process outlined in the City’s Municipal Code. Smart & Final was not treated differently. The only difference was that their building was identified during this process to be a significant historic resource unlike the other buildings that were removed. Also as explained to Grand Jury members, the California Environmental Quality Act defines “historically significant buildings” as:
 - a. Those designated on the National Register of Historic Places;
 - b. Those designated on the California Register of Historic Places;
 - c. Those designated on a local list of Historic Places (not on a local inventory of properties); and
 - d. **Those properties not previously listed, but eligible for listing based on new information or evaluation.**
11. Page 8 (lines 213-216) The Grand Jury concluded that the Farmer’s Alliance Building was the only demolition request to include “public notice required by CEQA.” The Council minutes (previously supplied) clearly state that the Council adopted the required Negative Declaration pursuant to CEQA. Public notice was supplied in each case in a manner required by law (see attached).
12. Page 15 (lines 392-394) The Grand Jury concludes that Smart & Final will be unable to use this building because of its historical significance. It is important to point out that in denying the request for demolition; the Council encouraged Smart & Final to explore an adaptive re-use of the building for their operations. It is also

important to point out that adapting restored historic buildings for commercial enterprises is a common practice throughout the nation.

13. Page 16 (lines 407-408) Recommendation 1 is unclear. Current procedures are clearly called out in the Municipal Code (copy provided to Grand Jury members). Those procedures were followed in each and every case cited in the report. Given the relationship to Findings 1 and 2, the City is assuming that the Grand Jury is recommending that the City update its Inventory of Historic Resources and prepare an Historic Preservation Ordinance and/or procedures for the treatment of potentially historic properties.

Verification of Public Notice (ref. comment 11)

10. CALIFORNIA VALLEY

FINDINGS

1. The following Findings are the result of the Grand Jury's investigation of complaints against the CVCSD.
2. The General Manager's Employment Contract contains a line stating that the General Manager of the CVCSD can be removed from office by the County Grand Jury.
3. The current \$15.00 fee for trash pickup and disposal is not adequate to cover the actual cost of these services. It is not clear from the information received from the County Auditor-Controller's office whether or not the additional funds to cover the actual cost of these services are being used as prescribed by law.
4. Current information being provided to the CVCSD from its external auditor does not include an annual management advisory letter, the purpose of which is to point out weaknesses in internal controls.
5. The current Office Procedures Manual being used by CVCSD, as adapted from a Special District Risk Management Authority template, does not serve the specific needs of California Valley.
6. Board Meetings include subjects not within the purview of the CVCSD, e.g., Emergency Preparedness, Parks and Recreation and Social Function.
7. The web site that is meant to represent CVCSD is inadequate and not under the control of the CVCSD.

RECOMMENDATIONS

1. The CVCSD should amend the General Manager's employment contract to remove the line stating the General Manager can be removed from this position by the Grand Jury. (Finding 1)
2. The County Tax Collector, the County Auditor-Controller and the California Valley CSD need to confirm that assessment monies are being designated and used as prescribed by law. (Finding 2)
3. The CVCSD should consider forming an audit committee whose responsibilities include selecting an external auditor and determining the scope of the audit engagement. (Finding 3)
4. The CVCSD Board should review and revise their current Office Procedures Manual so that it more accurately reflects this specific community. For example, job descriptions listed in the current manual are too broad-based to be useful. (Finding 4)
5. The CVCSD Board and management should conduct business with strict adherence to those areas within their purview, i.e., road maintenance and trash pickup and disposal. (Finding 5)
6. If the CVCSD intends to have a web site, then they should own it and have control over what is being published. (Finding 6)

REQUIRED RESPONSES

1. SLO County Tax Collector – Recommendation #2
2. SLO County Auditor-Controller – Recommendation #2
3. California Valley CSD Board– Recommendations #1, #3, #4, #5 & #6
4. Board of Supervisors– Recommendation #2

JON S. SEITZ
MICHAEL W. SEITZ

SHIPSEY & SEITZ, INC.
A LAW CORPORATION
1066 PALM STREET
POST OFFICE BOX 953
SAN LUIS OBISPO, CALIFORNIA 93406
(805) 543-7272 FAX (805) 543-7281
mike@shipseyandseitz.com

JOHN L. SEITZ
(1924-1986)
GERALD W. SHIPSEY
(RETIRED)

June 14, 2007

San Luis Obispo County Grand Jury
1120 Mill Street
San Luis Obispo, CA 93408

Re: 2007 Report re California Valley Community Services District

Dear Members of the Grand Jury:

On behalf of the District, I'd like to thank you for your hard work on the report. The District does respect the determination of the report and understand the reports recommendations.

You have recommended a number of actions to be taken by the California Valley Community Services District. These actions can only be taken at a regularly scheduled Board meeting and it is anticipated that each of these requests will be considered at the California Valley Community Services District's regular meeting on August 7, 2007.

Specifically, the Board will consider the following:

1. Modifying the General Manager's contract in accordance with the recommendations of this Grand Jury.
3. The Board will consider forming an audit committee. However, the District has had a long experience of using auditors. These auditor's reports are made public and are approved in regularly scheduled Board meetings.
4. The District's policies were originally drafted with an attorney's assistance, but they recognize that a number of changes that they made were without consultation. The Board will consider forming an ad hoc committee to review and recommend changes to the office procedures manual.
5. The California Valley Community Services District meetings often serve as a place where the residents of California Valley can meet and discuss a variety of issues even though they are not within the board purview. The District is, as a result of those meetings, considering participation in parks and recs function only after the approval of LAFCO. But this is an example of how community based meetings can be beneficial to the California Valley Community Services District.

San Luis Obispo County Grand Jury
Page Two
June 28, 2007

6. In regards to the California Valley website, the Board will consider how to respond during its August 7, 2007 meeting.

Once again, the District thanks the Grand Jury for its hard work. The District will carry forward as outlined in this letter to consider the recommendations of the Grand Jury and will provide you with the results of the District's review of these recommendations after the August 7, 2007 meeting.

Sincerely,

SHIPSEY & SEITZ, INC.



MICHAEL W. SEITZ

MWS/vab

cc: Sharre Washer, General Manager
California Valley Community Services District

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

(1) DEPARTMENT Administrative Office		(2) MEETING DATE July 17, 2007		(3) CONTACT/PHONE Nikki J. Schmidt (805) 781-5496	
(4) SUBJECT Response to Grand Jury Report on the California Valley Community Services District.					
(5) SUMMARY OF REQUEST On June 21, 2007, the Grand Jury issued a report relating to the California Valley Community Services District. The report identifies seven (7) findings and six (6) recommendations. The report requests that the County Auditor-Controller, County Tax Collector and Board of Supervisors respond to Recommendation #2. The attached staff report and responses from the Auditor-Controller and Tax Collector provides the Board of Supervisors with the recommended response to the recommendations made by the by the Grand Jury.					
(6) RECOMMENDED ACTION It is recommended that your Board adopt the attached responses to the recommendations made by the Grand Jury in their report on the California Valley Community Services District and forward these 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): County departments were contacted during the preparation of this 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 <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW: The Administrative Office prepared this report.					

7-17-07
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County of San Luis Obispo

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



DAVID EDGE
COUNTY ADMINISTRATOR

TO: BOARD OF SUPERVISORS

FROM: NIKKI J. SCHMIDT, ADMINISTRATIVE ANALYST

DATE: JULY 17, 2007

SUBJECT: RESPONSE TO THE JUNE 21, 2007 GRAND JURY REPORT ON THE CALIFORNIA VALLEY COMMUNITY SERVICES DISTRICT

Recommendation

It is recommended that your Board adopt the responses from the Treasurer-Tax Collector and Auditor-Controller included in this report as the Board of Supervisors' response to the Grand Jury Report on California Valley Community Services District. It is further recommended that the adopted responses be forwarded to the Presiding Judge of the Superior Court.

Discussion

During the 2006-07 fiscal year, one-third of the complaints received by the Grand Jury were generated by residents of California Valley voicing concerns about possible irregularities in the way the California Valley Community Service District conducts business. These complaints included, but are not limited to, accounting practices and procedures, election improprieties, fees, road maintenance, and communication. On June 21, 2007, the Grand Jury released a report which responded to those complaints.

As a result of this report, the Grand Jury made seven (7) findings and six (6) recommendations. The Grand Jury has required that the following responses be made:

County Tax Collector to Recommendation #2;
County Auditor-Controller to Recommendation #2;
Board of Supervisors to Recommendation #2

The following provides the recommended response for the Board's response to the recommendations as required by the Grand Jury.

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BOARD OF SUPERVISORS

July 17, 2007

Page 2

Recommendation #2

The County Tax Collector, the County Auditor-Controller and the California Valley CSD need to confirm that assessment monies are being designated and used as prescribed by law (Finding #2).

Response to Recommendation #2

The Board of Supervisors adopts the responses of the County Tax Collector and County Auditor-Controller (attached). The Board agrees with the intent of the recommendation that assessment monies be designated and used as prescribed by law. However, the responsibility for the use of the funds rests with the California Valley Community Services District.

Other Agency Involvement

The County Treasurer Tax Collector and County Auditor-Controller have contributed to this report.

Financial Considerations

There are no financial impacts to the County related to the Grand Jury report's findings, recommendations or the corresponding responses.

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

June 21, 2007 Grand Jury Report on the California Valley Community Services District Responses from the County Treasurer Tax Collect and County Auditor-Controller


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County of San Luis Obispo
Office of the Auditor-Controller
1055 Monterey Street Room D220
San Luis Obispo, California 93408
(805) 781-5040 FAX (805) 781-1220



GERE W. SIBBACH, CPA
BILL ESTRADA, Assistant
JAMES ERB, CPA, Deputy
LYDIA CORR, CPA, Deputy

TO: DAVID EDGE, COUNTY ADMINISTRATOR

FROM: GERE SIBBACH, AUDITOR-CONTROLLER 

DATE: JUNE 21, 2007

SUBJECT: RESPONSE TO GRAND JURY REPORT ON CALIFORNIA VALLEY

The Grand Jury report on California Valley requires that the Auditor-Controller address Recommendation #2, which is based on Finding #3. This is our formal response, for inclusion with the other required County responses.

Recommendation #2 *"The County Tax Collector, the County Auditor-Controller and the California Valley CSD need to confirm that assessment monies are being designated and used as prescribed by law."*

We concur with the intent of this recommendation. However, the Auditor-Controller lacks the legal authority to dictate use of CSD funds.

Under the California Government Code, the County Auditor and County Tax Collector are required to act simply as agents of any special district that wishes to collect special taxes and assessments on the County property tax rolls. The District must follow certain procedures, which may include notices, public hearings, or elections, but after that the County's function is only to collect the levies and turn the receipts over to the District management. All revenues of the independently governed California Valley Community Services District are managed and spent at the direction of the elected Board of Directors. The CSD is required to have an independent financial audit each year by a licensed public accountant.

In general, the property tax received by the CSD from the basic 1% of AV tax rate can be used by the District for any public purpose, including solid waste disposal. The additional assessment that the District has levied for many years, beginning prior to the passage of Proposition 218, we believe was identified for road maintenance. So the revenues received from that levy should be used only for road maintenance or administrative costs supporting the road maintenance service.

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**Treasurer
Tax Collector
Public Administrator
SAN LUIS OBISPO COUNTY**

Frank L. Freitas, CPA
Department Head

Donna L. Morris
Assistant

P.O. Box 1149 • Room D-290, County Government Center • San Luis Obispo, CA 93406-1149

• Telephone 805.781.5842
• Fax 805.781.1079
• Email ttc@co.slo.ca.us

To: David Edge, County Administrator
From: Frank L. Freitas, Treasurer – Tax Collector – Public Administrator
Date: June 26, 2007
Subject: Response to Grand Jury Report on California Valley

The findings and recommendations of the Grand Jury regarding the review of California Valley require a response to Recommendation #2 from the County Tax Collector.

Recommendation #2 reads: *“The County Tax Collector, the County Auditor-Controller and the California Valley CSD need to confirm that assessment monies are being designated and used as prescribed by law.”*

The County Tax Collector agrees with the recommendation that monies should be used as prescribed by law. However, the Tax Collector is charged with collecting Special Assessments, such as the California Valley Road Maintenance Fee, with the property taxes but does not have distribution authority.

The Special Assessments are placed on the tax roll by the County Auditor-Controller, included in the property tax bill, and collected by the County Tax Collector. Once paid, the monies are disbursed by the County Auditor-Controller to the appropriate agency, in this case, the California Valley Community Services District.

As the Tax Collector’s role is only to collect the California Valley Road Maintenance Fee, this office is unable to confirm that the monies are being designated and used as prescribed by law.

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11. TRIBAL CONSULTATION – A PEACEFUL APPROACH

FINDING

It appears that the basic consultation requirements of SB 18 are now being met by applicable government entities in San Luis Obispo County, belatedly by some. The stated intent of SB 18 of encouraging local governments to conduct pre-consultation meetings with tribes to help establish lines of communication has been accepted by the county and all cities in the county, with the exception of the City of Pismo Beach, with Memoranda of Agreement either in place or in preparation. The pre-consultation procedures and face-to-face meetings described in SB 18, although not mandated, are intended to help local governments establish working relationships with tribes that have traditional lands within their jurisdiction.

RECOMMENDATION

The City of Pismo Beach should review their procedures related to the requirements and recommendations of SB 18, 2004. They are urged to implement face-to-face pre-consultation meetings with the tribes on their NAHC contact list. (Finding 1)

REQUIRED RESPONSE

The City of Pismo Beach City Council



City of Pismo Beach
City Council
760 Mattie Road
Pismo Beach, CA 93449
805-773-4657

July 17, 2007

The Honorable Roger T. Picquet, Presiding Judge
San Luis Obispo Superior Court
County Government Center
San Luis Obispo, CA 93408

Subject: Response to Grand Jury report entitled "Tribal Consultation—A Peaceful Approach"

Dear Judge Picquet,

Please accept this letter as the response of the City Council of the City of Pismo Beach to the Grand Jury report entitled "Tribal Consultation—A Peaceful Approach. This response is submitted pursuant to Penal Code Sections 933(c) and 933.05.

Finding 1

It appears that the basic consultation requirements of SB 18 are now being met by applicable government entities in San Luis Obispo County, belatedly by some. The stated intent of SB 18 of encouraging local governments to conduct pre-consultation meetings with tribes to help establish lines of communication has been accepted by the county and all cities in the county, with the exception of the City of Pismo Beach, with Memoranda of Agreement either in place or in preparation. The pre-consultation procedures and face-to-face meetings described in SB 18, although not mandated, are intended to help local governments establish working relationships with tribes that have traditional lands within their jurisdiction.

Response: The City agrees with the finding in part and disagrees with the finding in part. The City agrees that it is meeting the basic consultation requirements of SB18, as it had been doing so prior to the date the complaint was submitted to the Grand Jury by the Northern Chumash Tribal Council. The City disagrees that the stated intent of SB 18 to conduct pre-consultation meetings with tribes has been rejected by the City of Pismo Beach. SB 18 does not mandate pre-consultation meetings, and nothing in the preamble of SB 18 requires such pre-consultation meetings. As such, there is no such language in SB 18 for the City to have rejected. The City has provided the required notifications to the tribes on the NAHC list, but to date, no request for consultation has been received under Government Code Section 65352.3(b) from any notified tribe on those matters for which SB18 requires notification. The City agrees that the pre-consultation procedures and face-to-face meetings, which are described in the Office of

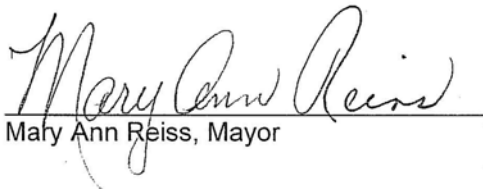
Planning and Research's Tribal Consultation Guidelines and not the text of SB 18, are intended to help local governments establish working relationships with tribes.

Recommendation 1

The City of Pismo Beach should review their procedures related to the requirements and recommendations of SB 18, 2004 [sic]. They are urged to implement face-to-face pre-consultation meetings with the tribes on their NAHC contact list.

Response: To the extent the recommendation suggests that the City review its procedures related to the requirements of SB 18, the recommendation has already been implemented, and was implemented prior to the date of the complaint submitted to the Grand Jury. To the extent the recommendation suggests that the City implement "face-to-face pre-consultation meetings", the recommendation will not be implemented because it is not required by SB 18, and the City believes it can adequately and timely address the issues required under SB 18 without such pre-consultation meetings should the City, at some point in the future, receive a request for consultation from a notified tribe.

Respectfully,



Mary Ann Reiss, Mayor

CC: Randy Bloom, Community Development Director
Kevin Rice, City Manager

12. VECTOR CONTROL - AN OUNCE OF PREVENTION

FINDING

Mosquito abatement is not state funded, with only a benefit assessment from each county supporting the program. The San Luis Obispo County MAP covers the fourth largest service area in the state (3,326 square miles) with only three full-time technicians, and a budget that ranks 48th out of 61 funded MAP programs in the State of California. In 2005-6, the San Luis Obispo County MAP received \$230,893, compared with an average of \$1,907,000 for the other 60 programs. Occasional grants from the state's Mosquito Abatement Program have been instrumental in controlling WNV in San Luis Obispo County by allowing technicians to treat more sources more thoroughly and with better larvicides.

RECOMMENDATION

The Board of Supervisors should consider conducting an informational campaign informing residents of the need for and benefits of additional mosquito abatement and pest control, followed by a voter survey to determine the likelihood that a special assessment would be passed by 2/3 of the voters.

REQUIRED RESPONSES

San Luis Obispo County Public Health Department

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 August 7, 2007		(3) CONTACT/PHONE Geoff O'Quest Administrative Analyst (805) 781-5014	
(4) SUBJECT Request to adopt response to the Grand Jury Report on Vector Control – An Ounce of Prevention					
(5) SUMMARY OF REQUEST On June 21, the San Luis Obispo County Grand Jury released its FY 2006-2007 Final Report. The report recommended that the consider conducting an informational campaign for county residents on mosquito abatement and pest control, followed by a voter survey to determine if voters would support a special assessment. This recommendation requires further analysis, and it is therefore recommended that the Board adopt the response of the County Health Agency and direct staff to bring this item to the Board for further discussion.					
(6) RECOMMENDED ACTION It is recommended that your Board adopt the response to the Grand Jury Report on Vector Control – An Ounce of Prevention and that the adopted response be forwarded to the Presiding Judge of the Superior Court by August 17, 2007.					
(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 Health Agency has contributed to this 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 <input checked="" 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 checked="" type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW <p align="center">OK <i>Geoff O'Quest</i></p>					

8-7-07
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County of San Luis Obispo

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



DAVID EDGE
COUNTY ADMINISTRATOR

TO: Board of Supervisors
FROM: Geoff O'Quest, Administrative Analyst
DATE: August 7, 2007
SUBJECT: Response to the June 21, 2007 Grand Jury Report on Vector Control – An Ounce of Prevention

Recommendation

It is recommended that your Board adopt the response to the Grand Jury Report on Vector Control – An Ounce of Prevention and that the adopted response be forwarded to the Presiding Judge of the Superior Court by August 17, 2007.

Discussion

On June 21, the San Luis Obispo County Grand Jury released its FY 2006-2007 Final Report. Among the topics investigated was "Vector Control – An Ounce of Prevention." Vector control is the practice of eradicating the vectors (such as rodents and mosquitoes) that carry disease-causing pathogens. The Grand Jury's report addresses the major vector-borne diseases found the county, including Hantavirus, Bubonic plague, and Lyme disease, with particular focus given to West Nile Virus and mosquito abatement. The report concludes with a single finding and one recommendation. These are listed below with the recommended Board responses:

Grand Jury Finding:

Mosquito abatement is not state funded, with only a benefit assessment from each county supporting the program. The San Luis Obispo County MAP (Mosquito Abatement Program) covers the fourth largest service area in the state (3,326 square miles) with only three full-time technicians, and budget that ranks 48th out of 61 funded MAP programs in the State of California. In 2005-6 the San Luis Obispo County MAP received \$230,893, compared with an average of \$1,907,000 for the other 60 programs. Occasional grants from the state's Mosquito Abatement program have been instrumental in controlling WNV (West Nile Virus) in San Luis Obispo County by allowing technicians to treat more sources more thoroughly and with better larvicides.

Board Response:

The Board of Supervisors agrees with the finding, as clarified by the County Health Agency attached hereto. As noted in the response by the Health Agency, San Luis

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Obispo County does not use a benefit assessment to fund its County Mosquito Abatement Program. The County's program is funded instead by the General Fund, and in past years has occasionally been augmented by one-time grant funding from the State.

Grand Jury Recommendation

The Board of Supervisors should consider conducting an informational campaign informing residents of the need for and benefits of additional mosquito abatement and pest control, followed by a voter survey to determine the likelihood that a special assessment would be passed by 2/3 of the voters.

Board Response:

This recommendation requires further analysis and the Board of Supervisors adopts the response of the County Health Agency attached hereto. The Board will direct staff to bring this item to the Board for further discussion, no later than November 6, 2007. Staff will provide further analysis of the expense and timeline that would be required if an informational campaign and countywide survey of voters were conducted, as well as research and analysis that examines the process, potential cost, level of effort and other considerations that would be necessary if an initiative were to be brought before the voters.

Other Agency Involvement

The County Health Agency has contributed to this report.

Financial Considerations

Based on previous surveys, the Health Agency estimates that an educational effort associated with a voter survey will require approximately \$35,000 in additional General Fund support. According to an analysis prepared in January 2005, the cost for conducting a benefit assessment ballot initiative was estimated at \$216,500. Further analysis will be necessary to provide a more current estimate. The FY 2007-08 budget does not include funding for either the informational campaign and survey or the ballot initiative.

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

June 21, 2007 Grand Jury Report on Vector Control – An Ounce of Prevention Response from the County Health Agency.

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SAN LUIS OBISPO COUNTY HEALTH AGENCY

PUBLIC HEALTH DEPARTMENT

2191 Johnson Avenue • P.O. Box 1489
San Luis Obispo, California 93406
805-781-5519 • FAX 805-781-1048

Jeff Hamm
Health Agency Director

Gregory W. Thomas, M.D., M.P.H.
Health Officer/Public Health Administrator

TO: Presiding Judge, California Superior Court
San Luis Obispo County

FROM: Jeff Hamm, Health Agency Director
Greg Thomas, M.D., Health Officer/Public Health Administrator

DATE: July 30, 2007

SUBJECT: Response to 2006-2007 Grand Jury Report
Re: Vector Control – An Ounce of Prevention

The Health Agency has reviewed the 2006-2007 Grand Jury Report pertaining to Vector Control – An Ounce of Prevention. In accordance with Penal Code Section 933, the following is a response on behalf of the Health Agency regarding the findings and recommendation in the Grand Jury Report. The Agency wishes to acknowledge the efforts of the 2006-2007 Grand Jury in pursuing this issue. Responses to the Grand Jury Report are in bold.

Finding (1):

Mosquito abatement is not state funded, with only a benefit assessment from each county supporting the program. The San Luis Obispo County MAP (Mosquito Abatement Program) covers the fourth largest service area in the state (3,326 square miles) with only three full-time technicians, and budget that ranks 48th out of 61 funded MAP programs in the State of California. In 2005-6 the San Luis Obispo County MAP received \$230,893, compared with an average of \$1,907,000 for the other 60 programs. Occasional grants from the state's Mosquito Abatement program have been instrumental in controlling WNV (West Nile Virus) in San Luis Obispo County by allowing technicians to treat more sources more thoroughly and with better larvicides.

Response:

The respondent agrees with the finding with the following clarification.

The finding indicates that only a benefit assessment from each county supports the program. The San Luis Obispo County MAP is funded almost entirely by General Fund. During the past couple of years the State of California Department of Health Services Vector Control Branch provided some one-time grant funding that was used to pay for helicopter services and buy additional larvicides. A benefit assessment is the primary method for funding Mosquito/Vector Control Districts throughout the state. A benefit assessment is not used to fund the San Luis Obispo County Mosquito Abatement Program.

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Recommendation:

The Board of Supervisors should consider conducting an informational campaign informing residents of the need for and benefits of additional mosquito abatement and pest control, followed by a voter survey to determine the likelihood that a special assessment would be passed by 2/3 of the voters.

Response:

The recommendation requires further analysis

The history of the most recent efforts to develop a vector control district dates back to January 2003. The following is a chronology of the highlights of the activities:

January 14, 2003, the Board approved a one-time expenditure of \$20,000 with Shilts Consultants to conduct a phone survey of 600 San Luis Obispo County residents to determine if there was support for a vector control district. The Board directed staff to return at a later date with the proposed assessment survey for approval prior to the actual survey interviews.

February 11, 2003, the Board approved the survey language provided by Shilts Consultants.

March 25, 2003, the Board received and filed the public opinion results from the Shilts survey. The results reflected marginal public financial support to proceed with a benefit assessment process and ballot initiative. 600 county residents were contacted.

January/February 2004, Shilts Consultants contacted the Public Health Department and offered to conduct a limited mail out survey at no cost to the County. Shilts believed that based on their most recent survey results with other counties; a mail out survey was the best method to ascertain the public's interest. Over 750 SLO County residents returned the surveys. (See results below)

February 2004, Shilts provided the County with preliminary results of the mail out survey. The overall support for mosquito services had significantly increased from the original phone survey. Based on the survey results, the Public Health Department recommended the County continue to pursue a benefit assessment.

February 2004, the Department's requested budget proposal for FY 2004/05 included an option to continue to explore alternative funding for mosquito abatement activities to reduce the need to subsidize the entire program with General Fund Contingencies.

July 29, 2004, first dead bird in San Luis Obispo County tested positive for WNV.

August 2, 2004, first pool of WNV infected mosquitoes identified in San Luis Obispo County.

September 17, 2004, the first confirmed human case of WNV was reported in San Luis Obispo County.

January 25, 2005, the Board of Supervisors authorized the County Administrative Officer to implement actions necessary to continue the vector control program at its current level and convert the three temporary positions to limited term positions but did not authorize the

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recommendation of the Public Health Department to initiate the process to determine support for the development of a benefit assessment to include a rate analysis and a mail out ballot initiative.

January/February 2004 Survey Results

In January/February 2004, Shilts Consultants Inc. conducted a mail out survey of property owners at no cost to the county. A report of the survey results was prepared. The report presented the findings of a survey of property owners in San Luis Obispo County conducted by Shilts Consultants, Inc. (SCI). The survey targeted San Luis Obispo county property owners and presented them with information about a proposed new county government service to provide mosquito and vector control services. The purpose of the study was to:

- Evaluate property owners' support, desires and priorities with respect to the control and prevention of disease-carrying mosquitoes services.
- Measure the relative level of support for a new mosquito and vector abatement program, identify the amount property owners would support to fund such a program, and itemize the order of importance of specific program services.

Question 1 included an estimate of the actual assessment for each of the properties assuming a \$7.00 rate and a \$12.00 rate. Overall support for the funding measure is indicated in the table below. Although single-family homeowners make up a significant amount of the voting population in a proposed benefit assessment measure, it is important to understand the level of influence other property owners would have on the measure. The table below summarizes the support information for all property owners, including businesses, agriculture and apartment owners. The overall level of support is lower than support among single-family homeowners by approximately 7%. Larger property owners, while supportive of the proposed measure, were somewhat less supportive than single-family owners and had a larger proportional say in the outcome. This is perhaps in part because their proposed assessment is larger. However, in summary, the projected overall levels of support were good, particularly in comparison to the 50% plus 1 threshold needed for a successful benefit assessment ballot proceeding.

Property Type	Weighted Support	
	Yes	No
Single Family Residential	63%	37%
Apartment and Investment Property	46%	54%
Business and Industrial	52%	48%
Agriculture, Other	56%	44%
Overall	56%	44%

In conclusion, the survey found that property owners supported (56%) a proposed benefit assessment on their property to fund mosquito abatement services in San Luis Obispo County.

Comparison of Funding Alternatives

There are two potential funding sources for a Mosquito/Vector Control District. Funding alternatives for the proposed vector control services are a special tax (parcel tax) or a benefit assessment. All property owners in the proposed service areas, including business owners,

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apartment owners and agricultural property owners, decide a benefit assessment and it requires a weighted majority support from property owners.¹ In order for the special parcel tax to pass a super majority of 66.67% is required. With a special parcel tax election, only registered voters are allowed to vote. Property owners who do not live in San Luis Obispo County will not be able to vote at a special parcel tax election. In addition, tenants who will not directly pay the proposed tax and property owners who will have to pay the tax participate in the election. Because non-property owners have a significant impact on voter measures, the Howard Jarvis Taxpayers Association (HJTA) supported the 66.67% super majority for such elections.

Conversely, all property owners being asked to support and pay for a benefit assessment, including business owners, and owners of apartments and agricultural properties, vote on the benefit assessment, and these property owners determine the outcome proportional to their property holdings even those property owners who do not live in the county. Because all property owners who own property within the proposed service area can vote and each owner's vote is proportional to how much they are being asked to invest in mosquito and vector control services, the HJTA supported a weighted majority (50% plus 1) threshold for these mail-out measures (Proposition 218).

The Howard Jarvis Taxpayers Association supported these thresholds of support for both benefit assessments and special taxes. Their reasoning for supporting a super majority requirement for special taxes is that this higher threshold is needed to counter the ability of voters who are non-property owners to impose taxes on those who own property.

The following table provides a further comparison of special parcel taxes and benefit assessments:

	<i>Parcel Tax</i>	<i>Benefit Assessment</i>
Who Votes?	Registered Voters	Property Owners
Who Created Requirements?	Jarvis Taxpayers	Jarvis Taxpayers
Election Venue	Polling Booth	Mail Ballot
Election Period	1 Day	45 Days
Does Everyone Who Will Pay Get a Vote?	No	Yes
Are Votes Proportional to How Much You Will Pay?	No	Yes
Tax/Assessment Amounts Based on Benefit?	No	Yes
Threshold of Vote Required for Success	Super Majority	Weighted Majority
Most Common For Vector Control	No	Yes

Based on the survey conducted in January/February 2004, the weighted majority of property owners supported a benefit assessment to fund a mosquito/vector control program. However, in

¹. The weighted majority means that each ballot is "weighted" by the amount of assessment for the property it represents. For example, if a single-family home has a proposed assessment of \$10 per year and a multi-family property has a proposed assessment of \$20 per year, the ballot for the multi-family property would be "weighted" twice that of the first property.

B
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order to determine the current level of property owner support, an educational campaign and voter survey would need to be redone. In January 2005, the cost for conducting a benefit assessment ballot initiative was estimated at \$216,500.

The fundamental public health reasons for a mosquito/vector control program are still valid. The diseases associated with various vectors such as mosquitoes, rodents, ticks, and fleas are well known. However, an educational effort associated with a voter survey will require an additional estimated \$35,000 in General Fund support.

During the FY 07/08 budget discussions, the Health Agency was directed to develop a plan for reducing General Fund support based on public health priorities within the Agency. While a mosquito/vector control program is an important public health program, it is not mandatory and the funding is discretionary and therefore vulnerable during budget reduction discussions. The educational campaign and voter survey will require further analysis to determine more precisely the cost and scope of work. At the direction of the Board of Supervisors, staff will bring this item to the Board for further discussion.

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13. LUCIA MAR UNIFIED SCHOOL DISTRICT

BOARD OF EDUCATION

FINDINGS

1. Great harm has come to the community because of the secrecy surrounding the closed session of the Lucia Mar Unified School District Board of Education held February 20, 2007, and actions taken thereafter.
2. The Lucia Mar Unified School District Board of Education members may have been in violation of the Brown Act if, in the February 20, 2007 closed session, a collective decision by a majority of the Board gave clear indication to the Superintendent of their expectations that she remove a number of principals from their present positions and the Board did not subsequently report this action (i.e., giving direction to the Superintendent) in open session.
3. The Lucia Mar Unified School District Board of Education may be in violation of Section 54957 of the Brown Act if, in a February 20, 2007 closed session, specific complaints or charges were brought against any employees, including principals, and those employees were not notified in advance of their right to have the complaints or charges heard in an open session rather than a closed session.
4. The Lucia Mar Unified School District Board of Education is in violation of the spirit of openness when it uses “placeholders” as agenda items for closed sessions. A Board member testified to the Grand Jury about the placeholder “Public Employee Discipline/Dismissal/Release” saying, “I don’t think that’s legal. I think that if we’re going to be taking action against an employee, I think the Brown Act requires that we actually say ‘this is the employee we’re taking action against.’”

5. The Lucia Mar School Board's actions subsequent to the February 20, 2007 special closed meeting exacerbated the problems. The public announcement and apology, blaming all the harm done on "miscommunication," was not an adequate response to the community, based on testimony and continued public outcry.

RECOMMENDATIONS

1. Given that the affected principals have waived confidentiality, and given that the LMUSD Board of Education has the power to also waive confidentiality, the Board should, as a body, waive its right to confidentiality and place on the next possible agenda, a discussion of what actually occurred during the closed session of February 20, 2007. (Findings 1, 5)
2. If the LMUSD Board directed the Superintendent to remove principals from their current positions, Board members should make public their rationale for having done so without reporting out this action in open session, as required by the Brown Act. (Finding 2)
3. The LMUSD Board members should explain how their use of "placeholders" allowed them to discuss charges or complaints against employees in closed sessions, without first notifying those employees, under the Brown Act. (Findings 3, 4)
4. Receipt of required responses from Lucia Mar Unified School Board members and Superintendent should be forwarded to the San Luis Obispo County District Attorney for possible investigation of potential violations of the Brown Act by the Lucia Mar Unified School District Board of Education and for possible perjury in their testimony before the San Luis Obispo County Grand Jury. (Findings 1, 2, 3, 4)

REQUIRED RESPONSES

1. Responses from each Lucia Mar Unified School District Board of Education member – individually: Recommendations 1, 2, 3
2. Lucia Mar Unified School District Superintendent: Recommendations 1, 2, 3
3. San Luis Obispo County District Attorney: Recommendation 4



Lucia Mar Unified School District

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(805) 474-3000 x1080 Fax: (805) 481-1398

ARROYO GRANDE

NIPOMO

GROVER BEACH

OCEANO

PISMO BEACH

OFFICE OF THE SUPERINTENDENT

August 22, 2007

Honorable Roger Picquet
Presiding Judge
San Luis Obispo County Superior Court
1035 Palm Street, Room 385
San Luis Obispo, CA 93408

Re: Grand Jury Report
Lucia Mar Unified School District Board of Education

Dear Judge Picquet:

The Governing Board ("Board") of the Lucia Mar Unified School District ("District") has received and carefully reviewed the above-referenced Grand Jury report ("Report"). This letter is the Board's response.¹

As discussed in detail below, the Board disagrees with the Grand Jury's report. The Board notes that in reaching broad conclusions about the Board in general and the events of February 20, 2007 Board meeting, the Grand Jury only interviewed 2 of 7 Board members.² The Board hopes that a broader review would have revealed to the Grand Jury what is clear to the Board: the events following the February 20 Board meeting were in fact largely the result of unfortunate miscommunication within the District's governance team.

I. INTRODUCTION

The Board is a body elected by the constituents of the District and entrusted with the proper governance of our community's schools. More specifically, the Board's role is to (1) establish a vision for our schools, (2) maintain an effective and efficient structure for the operation of the District, (3) ensure appropriate accountability to the public, and (4) provide leadership in the pursuit of the District's educational mission. Our District's mission is to ensure that all students acquire the knowledge, skills and attitudes essential to become productive members of society. Each member of the Board is fully committed to fulfilling the Board's role in accomplishing this mission.

¹ This response is submitted by and on behalf of the Board as a collective body. The Board has authorized me to sign and submit this response in my capacity as Board President on behalf of the Board. The response does not constitute a response by any one individual Board member or the former District Superintendent as requested in the Report. As more fully discussed below, the Board does not believe such individual responses are called for by Penal Code sections 933 and 933.05 and believes that such responses would constitute an unwarranted and ill-advised intrusion into the deliberative processes of the Board and its governance team.

² Dee Santos, the Board President, was not even in attendance at the February 20 meeting.

Even prior to the Report and the events giving rise to it, the Board had initiated steps to review and where necessary change its governance policies and practices. For example, the Board engaged a consultant to discuss Board-Superintendent relations and Brown Act requirements and was planning a more comprehensive training when Dr. Flores resigned. In light of Dr. Flores' resignation, the Board has elected to postpone the training. As part of the superintendent search process, the selected search firm has contracted to provide the training following the appointment of a new superintendent. The Board's goal is to ensure good communication between the Board and the administrative team to help eliminate some of the confusion that created the issue investigated by the Grand Jury.

The events giving rise to the Report challenged us to evaluate how we have performed to date and provoked greater reflection on how we will move forward as a Board to better serve our constituents and community. To this end, the Board has carefully reviewed and evaluated the Report to, if possible, gain further insights on improving its governance practices. As the Board has previously stated, we agree with the Grand Jury that the events underlying the Report caused significant public outcry. That outcry was an unintended consequence of actions by the Board and others and, most importantly, unnecessarily distracted the Board, District administration and staff, and the community from our collective mission.

However, while the Board respects the important role of the Grand Jury, it respectfully disagrees with the Report's findings, recommendations and required actions. Each is addressed in detail below, following comments on the scope of the Grand Jury's jurisdiction.

II. GRAND JURY JURISDICTION WITH REGARD TO SCHOOL DISTRICTS

The formation, powers, and proceedings of the Grand Jury are governed by California Penal Code section 888 and related statutory provisions. Under this statutory scheme, the Grand Jury has three basic functions: (1) determining whether criminal indictments should be returned, (2) determining whether to present formal accusations of misconduct against public officials requesting their removal from office, and (3) acting as watchdog of the public by investigating and reporting upon the affairs of local government (See e.g., Penal Code section 933.5). (Farnow v. Superior Court (1990) 226 Cal.App.3d 481; McClatchy Newspapers v. Superior Court (1988) 44 Cal.3d 1162, 1170.)

The Grand Jury's powers are broad but not unlimited; it has no inherent investigatory powers beyond those granted by the Legislature. (McClatchy Newspapers v. Superior Court (1988) 44 Cal. 3d 1162, 1179; People v. Superior Court (1975) 13 Cal. 3d 430, 437.) As a result, and as a limited check on the excessive use of Grand Jury power, the court that impaneled a grand jury may refuse to file a report that exceeds the Grand Jury's statutory jurisdiction. (People v. Superior Court (1975) 13 Cal. 3d 430, 441-442.)

The scope of the Grand Jury's jurisdiction with respect to school districts was directly addressed by the California Court of Appeal in Board of Trustees v. Leach (1968) 258 Cal.App.2d 281. In Leach, the school district reassigned a principal to a vice-principal position, and a vice-principal to a teaching position. The grand jury subpoenaed the superintendent to appear with the personnel records of both employees. The grand jury was not investigating a crime or willful

misconduct. Litigation arose on the issue of whether or not the grand jury was entitled to inspect the personnel records.

The court ruled that the grand jury was not entitled to the personnel records where it was not investigating a public offense or willful misconduct. The court reviewed the various statutory provisions under which the grand jury derived its investigative powers. It found that only the powers granted under Penal Code sections 919 (investigation of willful or corrupt misconduct) and 933.5 (examination of the method or system of performing agency duties) applied to school districts. At the time, section 933.5 provided: "A grand jury may at any time examine the books and records of any special purpose assessing or taxing district located wholly or partly in the county."

The court explained that section 933.5 was "intended to aid the grand jury in the exercise of already existing powers of investigation rather than to grant new and independent investigatory powers." Therefore, the court concluded that "section 933.5, as to school districts, limits the grand jury's investigation (other than into public offenses and misconduct) to the financial affairs of the district which affect the assessing and taxing powers of the district." (Leach, supra, 258 Cal.App.2d at 287.)

In 1995, the Attorney General opined that an amendment to section 933.5 effectively nullified the Leach decision by granting the Grand Jury specific investigative power in addition to the Grand Jury's other investigative powers. (95 Ops.Atty.Gen. 113 (1995).) In brief, the Attorney General stated that the current language of section 933.5 grants the Grand Jury almost unlimited investigatory powers. Under the Attorney General's analysis, the Grand Jury's jurisdiction goes beyond fiscal-related operational matters to non-fiscal governance and policy-related personnel, curriculum, student and other matters.

The Board submits that there is nothing in the language of section 933.5, relevant case law, or the legislative history cited by the Attorney General that supports the Attorney General's expansive view. The Board therefore respectfully requests that the court consider whether the present investigation and report lies within the Grand Jury's jurisdiction in light of Leach and the applicable statutory scheme. If the court concludes that the Grand Jury exceeded such authority, the Board requests that the Report not be filed or stricken.

III. REPORT FINDINGS

Finding 1

Great harm has come to the community because of the secrecy surrounding the closed session of the Lucia Mar Unified School District Board of Education held February 20, 2007, and actions taken thereafter.

On February 20, 2007, the Board held a lawful closed session pursuant to a properly posted agenda to discuss the possible reassignment or release from administrative position of certain site administrators. Subsequently, a confluence of actions and events, involving numerous individuals, led to a public outcry in response to this possible action. However, the Board disagrees with the assertion that it was the closed nature of the discussion that created the public response.

Under the Ralph M. Brown Act ("Act"), the Board is required to conduct its business in meetings open to the public, except for certain designated topics that may be discussed in closed sessions. (See Government Code sections 54953(a).) A closed session may be held "to consider the appointment, employment, evaluation of performance, discipline or dismissal of a public employee." (Government Code section 54957(b)(1).)

The Act provides model language that the District may use to post closed session agenda items and use of such language is deemed adequate notice to the public. (Government Code section 54954.5(e).) Specifically, the model language reads:

Government Code Section 54957
PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Regarding use of this closed session description, the applicable statute states, "No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee." (Government Code section 54954(e).)

The District's February 20 agenda complied with this model language. Specifically, the agenda read, "PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (G.C. SECTION 54957)."

Important public policy considerations underlie the Legislature's specific decision to permit public agency legislative bodies to discuss such matters in a closed session. First, it is to protect the employee from public embarrassment. (*Versaci v. Superior Court* (2005) 127 Cal.App.4th 805.) Additionally, and equally importantly, it is to permit free and candid discussions of personnel matters by the governing body.

Coupled with these policy considerations is the related deliberative process privilege, which provides that a legislative body need not disclose its preliminary closed session positions, attitudes, statements, discussions and considerations leading to final collective action. The privilege arises from the concern that the quality of public legislative body decision-making suffers when the deliberative process is prematurely exposed to public scrutiny. Three policy considerations underlie the privilege: (1) it protects creative debate and candid consideration of alternatives within an agency, and, thereby, improves the quality of agency policy decisions; (2)

it protects the public from the confusion that would result from premature exposure to discussions occurring before the policies affecting it had actually been settled upon; and (3) it protects the integrity of the decision-making process itself by confirming that officials should be judged by what they decided not for matters they considered before making up their minds. (Cal. First Amendment Coalition v. Superior Court (1998) 67 Cal. App. 4th 159.) "The key question in every case is whether the disclosure of materials would expose an agency's decision making process in such a way as to discourage candid discussion within the agency and thereby undermine the agency's ability to perform its functions."

In this instance, the Board properly discussed an appropriate item in closed session. There are settled and legitimate policy reasons for conducting these discussions in closed session. Therefore, the Board has made the policy decision not to waive its privilege as to the February 20 closed session discussion and not to openly discuss an issue that is now relevant only from an historical perspective.

Finding 2

The Lucia Mar Unified School District Board of Education members may have been in violation of the Brown Act if, in the February 20, 2007 closed session, a collective decision by a majority of the Board gave clear indication to the Superintendent of their expectations that she remove a number of principals from their present positions and the Board did not subsequently report this action (i.e., giving direction to the Superintendent) in open session.

Section 54957.1 of the Act governs the Board's obligation to report action taken in closed session:

(a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:

...

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held.

The Act specifically defines the term "action taken" to mean:

"... a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance." (Government Code section 54952.6.)

The Grand Jury asserts that the Board took action in the form of "giving direction to the Superintendent" to remove certain principals from their administrative positions. Further, the Grand Jury writes:

“The Grand Jury does not know exactly what went on during the closed session of the LMUSD Board of Education on February 20, 2007. It is likely that some direction was given to the Superintendent, but whether it followed a formal vote, or the equivalent of a “straw vote,” or simply a meeting of the minds, is not clear.” (Report, p. 6.)

As discussed in more detail above, the Board has elected not to waive its deliberative process privilege and reveal precisely what occurred in the February 20 closed session. It is, however, the Board’s position that it did not take “action” as defined by Section 54952.6.

In essence, it seems the Grand Jury does not accept the fact or possibility that the Superintendent and Board, collectively or individually, left the February 20 meeting with two different understandings as to exactly what was to happen next. Nevertheless, from the Board’s perspective, that is unfortunately precisely what occurred.

It is not unusual for a board to direct a superintendent to explore options, consider practical and policy implications, and come back to the board with further information and recommendations before the board makes a final decision or takes “action” on a matter. While individual Board members and the former Superintendent may have somewhat varying recollections, this was in fact the collective direction and expectation of the Board in this instance. Exploring options, impacts and ramifications in this way before making a final decision is an ordinary, reasonable and lawful governance practice; moreover, it is not action by the Board requiring public report.

Finding 3

The Lucia Mar Unified School District Board of Education may be in violation of Section 54957 of the Brown Act if, in a February 20, 2007 closed session, specific complaints or charges were brought against any employees, including principals, and those employees were not notified in advance of their right to have the complaints or charges heard in an open session rather than a closed session.

A board’s consideration of the release or reassignment of certain site administrators is not necessarily the consideration of a specific complaint or charge requiring 24-hour notice to the administrators. On this point, the Attorney General, based on established case law, has articulated the state of the law well:

Under the Act, an employee may request and require a public hearing where the purpose of the closed session is to discuss specific charges or complaints against the employee. Under the Act, the employee must be given at least 24-hour written notice of any meeting to hear specific charges or complaints against the employee, or any action taken at the meeting will be null and void. (Section 54957.)

In Fischer v. Los Angeles Unified School Dist. (1999) 70 Cal.App.4th 87, 100, the court determined that an employee had the right to receive the 24-hour notice only when the body was considering complaints and charges brought by a third person or an employee. The court specifically distinguished these hearings concerning complaints or charges from closed-session meetings to consider the appointment, employment, evaluation of performance, discipline or dismissal of an employee. In these latter instances, the court indicated that the body need not

provide 24-hour notice to the individuals in question. (61 Ops.Cal.Atty.Gen. 283, 291 (1978).)

At the February 20 Board meeting, the Board did not discuss a specific complaint or charge and thus did not contravene the 24-hour notice requirement.

Finding 4

The Lucia Mar Unified School District Board of Education is in violation of the spirit of openness when it uses “placeholders” as agenda items for closed sessions. A Board member testified to the Grand Jury about the placeholder “Public Employee Discipline/Dismissal/Release” saying, “I don’t think that’s legal. I think that if we’re going to be taking action against an employee, I think the Brown Act requires that we actually say ‘this is the employee we’re taking action against.’”

With regard to this finding, the Report reads:

The LMUSD frequently used the same “placeholder” items for their closed session agendas, including “Public Employee Discipline/Dismissal/Release” and “Public Employee Performance Evaluation: Superintendent.” They apparently believed they were then free to discuss any personnel item that might arise. However, Section 54957 of the Brown Act states, “As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. Thus, the use of placeholders, at best, thwarts the spirit of transparency in government and, at worst, may set the stage for a violation of the above section of the Brown Act. (Report, p. 6.)

This passage evidences a misunderstanding of what constitutes a specific complaint or charge triggering the 24-hour notice to the employee as discussed above.

Further, it is not an unlawful nor is it an unusual practice for a public agency board to maintain a “placeholder” for a closed session “Public Employee Discipline/Dismissal/Release” item on its agenda. It allows the board the flexibility to lawfully discuss **appropriate** employee-related matters as they may arise. The Board agrees that it may not discuss any and all employee-related matters that arise under this agenda item. Moreover, it is not and was not at the February 20 meeting the Board’s **collective** position that this agenda item allowed the Board to discuss “any personnel item that might arise”. Once again, the Grand Jury only interviewed two of seven Board members as part of its investigation. The views, beliefs and perspectives of these two members does not necessarily represent those of the other Board members or of the Board as a collective body.

Even assuming that this was the belief of some Board members, the Board as a collective majority must decide what matters are appropriate for discussion and action under any given agenda item. The expectation that the collective majority will more often than not come to a

correct determination, in spite of the beliefs of one or more individual members, is precisely why the Act requires “collective” action.

The Board member testimony cited in the Grand Jury’s finding is an example of this very point. The Report states a board member testified that if the Board is going to take action against an employee, the Board is required to identify the particular employee. However, this is simply an incorrect statement of the Act’s requirements. (See Government Code section 54957.)

Nevertheless, the Board agrees with the Grand Jury’s broader point that the Board has a duty and obligation to comply with the spirit as well as the letter of the Act. To this end, as discussed above, the Board has included Brown Act training within its overall governance practices review, so that each member, new and old, is appropriately versed in the Act’s goals, purposes, and requirements.

Finding 5

The Lucia Mar School Board’s actions subsequent to the February 20, 2007 special closed meeting exacerbated the problems. The public announcement and apology, blaming all the harm done on “miscommunication,” was not an adequate response to the community, based on testimony and continued public outcry.

This finding does not assert any wrongdoing or violation of law by the Board. It merely is the Grand Jury’s reassertion, in veiled form, that the Board should have disclosed the details of its closed session discussions on February 20. However, the finding unfairly ignores and devalues all the Board did in fact do in response to the public outcry. Merely one week after the February 20 Board meeting, the Board held another meeting in which it received hours of input from the community, the Superintendent and others. Following the Board’s consideration of that information, and closed session deliberations, the Board unanimously voted to apologize to the affected site administrators and announced its full support for them. Further, the Board has arranged for in-depth training in the requirements of the Brown Act and best governance practices upon the hiring of a new superintendent.

The Board did far more than assert this was all simply a “miscommunication”. Nevertheless, from the Board’s perspective, miscommunication at various levels did, in fact occur and did contribute to the public response.

IV. REPORT RECOMMENDATIONS

Recommendation 1

Given that the affected principals have waived confidentiality, and given that the LMUSD Board of Education has the power to also waive confidentiality, the Board should, as a body, waive its right to confidentiality and place on the next possible agenda, a discussion of what actually occurred during the closed session of February 20, 2007.

As discussed, the Board disagrees that waiving the deliberative process privilege and disclosing the details of the February 20, 2007 closed session would serve any useful purpose. To the contrary, the Board believes doing so would set an ill-advised precedent. The Board's response to the public outcry over the possible reassignment of site administrators was quick, decisive and appropriate. Therefore, the Board will not implement this recommendation.

Recommendation 2

If the LMUSD Board directed the Superintendent to remove principals from their current positions, Board members should make public their rationale for having done so without reporting out this action in open session, as required by the Brown Act.

The Board did not take "action," as defined by the Brown Act, to direct the Superintendent to remove principals from their current positions. Therefore, the Board disagrees with and will not implement this recommendation.

Recommendation 3

The LMUSD Board members should explain how their use of "placeholders" allowed them to discuss charges or complaints against employees in closed sessions, without first notifying those employees, under the Brown Act.

The Board assumes the Grand Jury is again referring to the February 20, 2007 closed session. As to that closed session, the Board did not discuss any charges or complaints requiring notice to the employees. Therefore, the Board disagrees with and will not implement this recommendation.

Recommendation 4

Receipt of required responses from Lucia Mar Unified School Board members and Superintendent should be forwarded to the San Luis Obispo County District Attorney for possible investigation of potential violations of the Brown Act by the Lucia Mar Unified School District Board of Education and for possible perjury in their testimony before the San Luis Obispo County Grand Jury.

The Board does not believe responses by individual Board members or the former Superintendent are required under Penal Code sections 933 and 933.05. The Board states no opinion on the other aspects of this recommendation.

IV. REPORT REQUIRED ACTIONS

The Grand Jury cites no authority to support its power to compel the Board, collectively or individual members, or District administrators to perform any task in response to the Report. Indeed, the Grand Jury's own handbook states, "The power of the grand jury rests in its final report(s). The grand jury has no enforcement powers." (Grand Jury Handbook, p. 36, section F.)

Moreover, the required actions are in effect an end run around the Board's deliberative process privilege. On the one hand, the Grand Jury acknowledges the privilege and the Board's right to assert it. On the other, it attempts to compel each individual board member to detail his or her position at the February 20 closed session, which would be a de facto waiver of the privilege. For these reasons, the Board will not implement the required actions.

V. CONCLUSION

As the Grand Jury's own early release of the Report in violation of statute and its own guidelines demonstrates, miscommunication happens. That miscommunication can have unintended harmful and disruptive consequences. In this case, the Board has apologized to the employees and the community for the miscommunication within its governance team. The Board has also taken proactive steps to further improve its governance practices in order to better serve its constituents and fulfill the mission of the District.

However, the Board strenuously disagrees with the Grand Jury's assertion that conduct cited by the Grand Jury was in violation of the Brown Act. Moreover, the Board adamantly objects to the Grand Jury's unfounded and unsupported accusation that one or more of its members committed perjury in testimony before the Grand Jury.

The Board appreciates the opportunity to provide the court with a complete picture of the issues presented and the efforts the Board is making, independent of the Grand Jury investigation and Report, to better serve its constituents.

Sincerely,



Dee Santos
Board President

PRISONS, JAILS & LOCAL LOCK-UPS INSPECTION REPORTS

14. REVIEW OF LAW ENFORCEMENT ACTIVITIES IN SLO COUNTY

BACKGROUND

As a portion of the 2006/2007 Civil Grand Jury responsibilities mandated by California Penal Code Section 919(b), visits were conducted at the following sites:

- California Men's Colony (East, West Facilities)
- El Paso de Robles Youth Correctional Facility
- San Luis Obispo County Jail and Honor Farm
- Juvenile Hall
- Police Departments within the County of San Luis Obispo.

The Grand Jury inspected areas for both adults (male and female) and juveniles (male and female). It should be noted that in the course of its investigations, the Grand Jury invested more than 850 personnel hours in on-site visits to these facilities.

METHODS/PROCEDURES

The inspections were conducted in the last quarter of 2006, and emphasized conditions of confinement, mental and physical health care, control and discipline of prisoners, staff safety, intake and release processes, and care of property held in custody, i.e., evidence, recovered property, and items held in safekeeping.

In addition, at those sites housing longer-term prisoners; i.e., California Men's Colony, the Youth Correctional Facility and County Jail, the Grand Jury examined educational opportunities

(academic and vocational), religious opportunities, rehabilitation programs, and work and pre-release activities.

At each major location, briefings were conducted by top management officials; the Warden and Administration staff at the California Men's Colony, the Sheriff/Coroner and division chiefs at the County Jail, the Superintendent and senior management staff at the Paso Robles Youth Correctional Facility, and the County Chief Probation Officer, Manager and Assistant at Juvenile Hall.

During visits to the seven police departments within the County of San Luis Obispo, the chiefs and/or their commanders made themselves available and conducted tours of their respective departments.

The following reports provide specific findings and recommendations of the Grand Jury for the El Paso de Robles Youth Correctional Facility, the California Men's Colony, the San Luis Obispo County Jail and Honor Farm, Juvenile Hall and local lock-up facilities.

NO RESPONSES REQUIRED

15. CALIFORNIA MEN'S COLONY

CONCLUSION

In the last few years the prison system in California, including CMC, has experienced a turbulent environment due to several federal court cases, four of which have been summarized in this report. Judge Henderson, Receiver Sillen (*Plata*) and Special Master Keating (*Coleman*) have been coordinating efforts to achieve their respective goals. Nevertheless, changes required by all the courts at once seem staggering. Appendix B summarizes remarks made by Receiver Sillen April 20, 2007, showing a number of reforms that have taken place in one year. Unfortunately, perhaps because the prison system in California is exceptionally large, the courts decided to mandate changes in the system as a whole, instead of prison by prison, even though not all prisons have the same problems or need the same solutions. The Grand Jury believes CMC strove to provide appropriate medical, mental and dental health care to the inmate population before the federal mandates, and continues to provide adequate health care and rehabilitative services in spite of the significant impact these recent court cases have had on daily operations.

NO RESPONSES REQUIRED

16. THE EL PASO DE ROBLES YOUTH CORRECTIONAL FACILITY

FINDINGS

1. Change is difficult. The Grand Jury found that the leadership has created a positive climate and a great capacity for change among the senior staff. They clearly articulated an understanding of and commitment to the new model.
2. The Grand Jury is satisfied that YCF staff is doing a good job in the areas of public safety and welfare. Good safety and security measures are in place, with trained professional personnel monitoring all areas of the facility.
3. YCF is charged with the rehabilitation of the more serious youth offenders in the state. Considering that their stay at this facility averages about 15 months, there doesn't seem to be enough time to substantially influence wards so that they are more likely to experience success after parole.

NO RESPONSES REQUIRED

17. COUNTY JAIL

FINDING

Overcrowding, especially in the women's section, continues to be the number one problem at the San Luis Obispo County Jail. Increases in county population, coupled with increases in drug abuse in the county, means that overcrowding will only get worse in the future. If the situation is not addressed soon, the jail population could be capped judicially, as has occurred in other jurisdictions.

RECOMMENDATION

The County has experienced overcrowding in its jail facilities for many years, and has claimed lack of funds as its rationale for not solving the problem. The Governor's recent announcement of \$1.2 billion to be made available for local jail beds is an opportunity that San Luis cannot afford to miss. The Grand Jury recommends the County Board of Supervisors investigate every avenue for obtaining funding under the prison reform package announced by Governor Schwarzenegger on April 25, 2007. (Finding 1)

REQUIRED RESPONSE

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 August 7, 2007		(3) CONTACT/PHONE Vincent Morici (805) 781-5496	
(4) SUBJECT Response to Grand Jury Report on the County Jail.					
(5) SUMMARY OF REQUEST On June 21, 2007, the Grand Jury issued a report relating to the County Jail. The report identifies one finding and one recommendation. The report requests that the Board of Supervisors respond to the single finding and recommendation made by the Grand Jury.					
(6) RECOMMENDED ACTION It is recommended that your Board adopt the recommended response to the finding and recommendation made by the Grand Jury in their report on the on the County Jail and forward these 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): Information from the staff of the Sheriff Department, the County Department of General Services and the California Department of Corrections and Rehabilitation was used in preparing this 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 <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW: The Administrative Office prepared this report.					

8-7-07
B-3

County of San Luis Obispo

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



To: Board of Supervisors

From: Vincent Morici, Administrative Analyst *VM*

DAVID EDGE
COUNTY ADMINISTRATOR

Date: August 7, 2007

Subject: Responses to 2006-2007 Grand Jury Report dealing with the County Jail.

RECOMMENDATION

The Board of Supervisors adopt the following response as the Board of Supervisors' response to the 2006-2007 Grand Jury Report on the County Jail forward the response to the Presiding Judge.

DISCUSSION:

The Grand Jury issued a report on June 21, 2007 dealing with the County jail. The report has a single finding and a single recommendation. The Board of Supervisors is the only entity required to respond to this report. The finding and recommendation of this report are shown below, each followed by the recommended Board of Supervisors' response.

Again this year the emphasis of the Grand Jury report is overcrowding at the jail with the focus on being the women's section of the jail. Over the past several years, the County has budgeted funding for programming of jail facilities. In FY 2005-2006, the County budgeted funds for the design of a new women's jail. The County has actively lobbied the state to provide funds to assist in the construction of local detention facilities. The Grand Jury report notes that Governor Schwarzenegger announced a plan for prison reform that includes \$1.2 billion dollars for the construction of local jail beds. The local jail funding is part of a larger correction reform package that is contained in Assembly Bill 900.

County staff is actively involved with the Corrections Standards Authority in the development of a new women's jail and has been involved with tracking the state requirements for funding eligibility through the AB 900 legislation.

Grand Jury Finding

Overcrowding, especially in the women's section, continues to be the number one problem at the San Luis Obispo County Jail. Increases in county population, coupled with increases in drug abuse in the county, means that overcrowding will only get worse in the future. If the situation is not addressed soon, the jail population could be capped judicially, as has occurred in other jurisdictions.

Board of Supervisors Response

The Board agrees with this finding.

*B-3
2*

Grand Jury Recommendation

The County has experienced overcrowding in its jail facilities for many years and has claimed lack of funds as its rationale for not solving the problem. The Governor's recent announcement of \$1.2 billion to be made available for local jail beds is an opportunity that San Luis cannot afford to miss. The Grand Jury recommends the County Board of Supervisors investigate every avenue for obtaining funding under the prison reform package announced by Governor Schwarzenegger on April 25, 2007.

Board of Supervisors Response

The Grand Jury recommendation is currently in the process of being implemented. The Board has allocated approximately \$2.5 million dollars toward the design and project and construction for a new women's jail facility. The project has completed schematic design and is currently in the design drawing stage. The County has worked with the Correctional Standards Authority, the entity that approves jail construction design, during the early stages of the project.

County staff has monitored the state's correction reform legislation (AB 900). This legislation includes \$1.2 billion dollars for the construction of local detention facilities. The AB 900 legislation includes language that gives those counties assisting the state in siting and developing prison re-entry facilities priority for the available funding. Re-entry facilities are new prison facilities that will house inmates with 12 months left on their sentence. These facilities will include counseling and training needed for re-entry into the community. In addition, counties that provide mental health, drug and alcohol counseling, employment assistance and other services for individuals paroled from prison will receive additional priority for funding eligibility. The details of the state requirements are still being developed. The State has not yet defined the eligibility criteria for funding eligibility. This also means that the expense to counties that participate in the state's eligibility criteria is not defined. The County is participating in the process and has informed the state that the County is interested in participating in these state programs, pending clarification of the state's requirements.

The County is and will continue to pursue the state bond funding, approved as part of AB 900, as recommended in the Grand Jury report. Many details remain to be worked out at the state level regarding the "strings" that will be attached to the eligibility requirements. A draft of the eligibility criteria may be distributed in fall of 2007, but as of July 30, 2007, the State has indicated that the time frames for finalizing the criteria and the related county application process are not yet defined. There is no definitive time frame as to when funding may be awarded by the state.

OTHER AGENCY INVOLVEMENT

The County Administrative Office used Information from the staff in the Sheriff Department, General Services and the California Department of Corrections and Rehabilitation in developing the recommended response.

FINANCIAL CONSIDERATIONS

The estimated cost for the construction of the women's jail ranges from \$26 million to about \$27 million in 2007 dollars. The design and construction of a women's jail may include

B-33

several additional optional components. The optional components include renovation of the existing intake and reception area of the jail, construction of a new jail medical facility and changes to the existing electronic security system for the whole jail. Each of these components provides increased functional capability to future needs. The estimated cost in 2007 dollars for the women's jail with all optional components is \$40 million in 2007 dollars. Approximately \$2.5 million of the project's design and management costs has been funded. The amount of funding that may potentially be available from the state is not known, but may be between 50% and 75% of the cost for the women's jail. The balance of funding may be comprised of a combination of reserve funds and the proceeds from borrowing. Should bond funding not be available, the project may be scaled back to include only the women's housing unit. Lack of success in obtaining bond funding may result in delays in the construction of the facility until such time as adequate funding is available.

The expenses required by the State to develop and operate prison re-entry facilities and the provision of County mental health, drug and alcohol and other services for parolees released to the County is not known at this time. These expenses will be dependent upon the criteria that are developed by the state. It should be noted that the requirements for bond funding eligibility may result in extensive expenses long term expenses upon the County.

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.

Attachment: Grand Jury Report

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4

18. JUVENILE HALL – JUVENILE SERVICES CENTER

FINDINGS

1. The population of minors residing at Juvenile Hall often exceeds capacity. There have been repeated requests for funding to increase the capacity of the Hall. The first phase of expansion is underway and will provide necessary infrastructure for expanding the number of beds. Expansion of the existing physical plant is a prerequisite to expansion of services.
2. Despite the age of the facility and the overcrowded conditions, it is working. There are some indicators of success. These include:
 - Cooperation among the various groups such as the Probation Department, County Health Services, Office of Education, and other agencies and employees;
 - Long-term employees who demonstrate a caring commitment and are clearly invested in the success of their charges;
 - Parents and family of the juveniles who are included in the entire process.

Due in part to space constraints, meals are served family style providing an opportunity to work with the juveniles on social skills, including table manners. Often, the superintendent and assistant superintendent have lunch with the juveniles. The Juvenile Court Judge also lunches with them regularly and has holiday dinners with them on occasion. This demonstrates a personal commitment on the part of the professionals who work at Juvenile Hall and helps to lessen the physical and financial shortfalls of the system.

RECOMMENDATION

The San Luis Obispo County Board of Supervisors should work with the County Probation Department to allocate immediate funding for design and building of Phases Two and Three of the Facility Improvement Project to accommodate current and projected numbers of confined youth. (Finding #1)

COMMENDATION

It is apparent from observation of and conversation with all those involved in the operation of Juvenile Hall and with the youth who are in their care, that staff are doing their absolute best to provide a safe, secure and nurturing environment for the youth who are housed there. This is being accomplished despite having to operate in extremely overcrowded facilities where 'making do' is a way of life. The Grand Jury commends the staff of Juvenile Hall for their creativity, their positive attitude and for their successes. (Finding #2)

REQUIRED RESPONSES

1. San Luis Obispo County Board of Supervisors (Finding #1, Recommendation #1)
2. San Luis Obispo County Probation Department (Finding #1, Recommendation #1)

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

(1) DEPARTMENT Administrative Office		(2) MEETING DATE August 7, 2007		(3) CONTACT/PHONE Vincent Morici (805) 781-5496	
(4) SUBJECT Response to Grand Jury Report on the Juvenile Hall-Juvenile Services Center					
(5) SUMMARY OF REQUEST On June 21, 2007, the Grand Jury issued a report relating to the Juvenile Hall-Juvenile Services Center. The report identifies two findings and one recommendation. The report requests that the Probation Department and the Board of Supervisors respond to one finding and the single recommendation made by the Grand Jury.					
(6) RECOMMENDED ACTION It is recommended that your Board adopt the recommended response to the finding and recommendation made by the Grand Jury in their report on the on the Juvenile Hall-Juvenile Services and forward the response and the response by the Probation Department to the Presiding Judge of the Superior Court.					
(7) FUNDING SOURCE(S) TBD		(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): Information from the staff of the Probation and the County Department of General Services was used in preparing this 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 <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW: The Administrative Office prepared this report.					

8-7-07
B-4

County of San Luis Obispo

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



To: Board of Supervisors

From: Vincent Morici, Administrative Analyst *V. Morici*

Date: August 7, 2007

Subject: Responses to 2006-2007 Grand Jury Report dealing with the Juvenile Hall – Juvenile Services Center.

DAVID EDGE
COUNTY ADMINISTRATOR

RECOMMENDATION

The Board of Supervisors adopt the following response as the Board of Supervisors' response to the 2006-2007 Grand Jury Report on the Juvenile Hall – Juvenile Services Center and forward the response to the Presiding Judge.

DISCUSSION

In June of 2007, the Grand Jury released a report on the Juvenile Hall – Juvenile Services Center. The report evaluates the conditions of the operations and facilities at the Juvenile Hall and Juvenile Services Center. The report commends the staff at the Juvenile Hall for the care of the youth housed at the Juvenile Hall. However, the report also notes that the hall is experiencing overcrowding more frequently than in the past.

The Grand Jury Report contains two findings and one recommendation. The report requires that the Probation Department and the Board of Supervisors respond to the first finding and the single recommendation. A copy of the Probation Department Response is attached. The recommended Board of Supervisors response follows the Grand Jury finding and recommendation reproduced below.

Grand Jury Finding

The population of minors residing at the Juvenile Hall often exceeds capacity. There have been repeated requests for funding to increase the capacity of the Hall. The first phase of expansion is underway and will provide necessary infrastructure for expanding the number of beds. Expansion of the existing physical plant is a prerequisite to expansion of services.

Board of Supervisors Response

The Board agrees that there are occasions when the Juvenile Hall exceeds capacity. However, we note that this is not a circumstance unique to San Luis Obispo County. The Board also acknowledges that there have been previous requests to fund expansion of the Juvenile Hall. We note that many departments make requests for new facilities or expansion of existing facilities. It is not feasible to fund all the requests received. Staff reviews requests for capital project funding and makes

*B-4
2*

recommendations to fund those projects which have priority based upon the Board's adopted budget policies. Many projects undergo a series of requests over multiple years before they are funded and this is the case with the expansion of bed space at Juvenile Hall. We also note that the County has identified potential capital projects for the next five years and the expansion of bed space at the Juvenile Hall is included in this list

Grand Jury Recommendation

The San Luis Obispo County Board of Supervisors should work with the County Probation Department to allocate immediate funding for design and building of Phases Two and Three of the Facility Improvement Project to accommodate current and projected numbers of confined youth. (Finding #1)

Board of Supervisors Response

The recommendation has already been partially implemented. The funding for Phase Two has been approved by the Board of Supervisors. The recommendation to allocate "immediate" funding for Phase Three of the Juvenile Hall expansion will not be implemented as the Phase Three Project is listed for funding in fiscal year 2010-2011. Should the State make funding for juvenile incarceration facilities available earlier than the scheduled project date, the Board will give serious consideration to providing funding earlier than the 2010-2011 date.

OTHER AGENCY INVOLVEMENT

The County Administrative Office used information from the staff in the Sheriff Department, General Services and the California Department of Corrections and Rehabilitation in developing the recommended response.

FINANCIAL CONSIDERATIONS

The Board of Supervisors has approved funding for the Phase Two Juvenile Hall expansion. The Phase One and Two expansion projects at the Juvenile Services Center comprise about \$3 million in expense. The Phase Three expansion is estimated to cost about \$7 million in 2007 dollars. The State may provide funding through legislation being considered as part of the Governor's proposed budget. If the County does not receive funding from the State, the County will consider certificates of participation or other borrowing to finance the construction of the Phase Three project. The impact of debt payments incurred will be dependent upon the County's finances at the time the borrowing of funds takes place. Borrowing funds will obligate funding that may otherwise be used to finance services.

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.

Attachment: Probation Department
Grand Jury Report

B-4
3

PROBATION DEPARTMENT

"Protection, Service & Accountability"


Main Office (805) 781-5300 ~ 2176 Johnson Ave., San Luis Obispo, CA 93408
Juvenile Services Center (805) 781-5352 ~ 1065 Kansas Ave., San Luis Obispo, CA 93408
Juvenile Hall (805) 781-5389 ~ 1065 Kansas Ave., San Luis Obispo, CA 93408



Kim Barrett
Chief Probation Officer

Myron Nalepa
Assistant Chief

To: **VINCE MORICI, ADMINISTRATIVE ANALYST**

From: **KIM BARRETT, PROBATION** 

Date: **JULY 6, 2007**

Subject: **RESPONSE TO GRAND JURY REPORT ON: JUVENILE HALL DATED JUNE 14, 2007**

Attached are the requested responses to **FINDINGS #1 AND RECOMMENDATIONS #1**

FINDINGS:

1. The population of minors residing at Juvenile Hall often exceeds capacity. There have been repeated requests for funding to increase the capacity of the Hall. The first phase of expansion is underway and will provide necessary infrastructure for expanding the number of beds. Expansion of the existing physical plant is a prerequisite to expansion of services.

RESPONSE: Agree with finding.

RECOMMENDATIONS:

2. The San Luis Obispo County Board of Supervisors should work with the County Probation Department to allocate immediate funding for design and building on Phases Two and Three of the Facility Improvement Project to accommodate current and projected numbers of confined youth. (Finding 1)

RESPONSE: Agree with the recommendation. The San Luis Obispo County Board of Supervisors approved Phase II funding for the Juvenile Hall in fiscal year 2006/2007. Additionally, Phase III of the Juvenile Hall to add additional housing units has been included in the Capital Improvement Project Plan for fiscal year 2010/2011.

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4

19. LOCAL LOCK-UPS

FINDINGS

1. The Grand Jury believes that the short term holding cells within San Luis Obispo County are being managed and maintained in a professional manner. All cells were clean, and well maintained. The Police and Sheriff's departments were well organized and have written procedures relating to their operations. The staffs are well trained and very professional.
2. The reduction of peace officers on the street during transport of prisoners seems to be a countywide issue. Additionally, financial constraints have resulted in departmental staff reductions in some cities. The impact of these conditions intensifies with growth and affects smaller departments the most.
3. While transporting a prisoner to County Jail might take only one peace officer off the streets for a few hours, that officer on the streets might have prevented an accident or saved a life. For each city to divert manpower for transporting prisoners seems inefficient.

RECOMMENDATION

The Grand Jury recommends the formation of a task force to study the feasibility of a countywide prisoner-transporting program. Such a program could be used to assist each police department through cost sharing, reducing the impact of both cost and loss of police presence on the streets for each city. (Findings 2 and 3)

REQUIRED RESPONSES

1. City of Arroyo Grande Police Department
2. City of Pismo Beach Police Department
3. City of Grover Beach Police Department
4. City of Morro Bay Police Department
5. City of San Luis Obispo Police Department
6. City of Atascadero Police Department
7. City of Paso Robles Police Department
8. County of San Luis Obispo Sheriffs' Department
9. County Board of Supervisors

City of
Arroyo Grande

POLICE DEPARTMENT



200 North Halcyon Road
Arroyo Grande, CA 93420
Phone: (805) 473-5100
FAX: (805) 473-2198
E-Mail: agpd@arroyogrande.org

July 31, 2007

Joanna Hamberg, Foreperson
2006/2007 San Luis Obispo County Grand Jury
County Government Center
P.O. Box 4910
San Luis Obispo, CA 93403

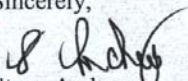
Dear Ms Hamberg,

I have reviewed the 2006/2007 Grand Jury Report regarding the Arroyo Grande Police Department detention facility. The findings showed the facility is well managed, maintained in a professional manner with appropriate written policies, and operated by well trained professional staff. Thank you for your interest and the time taken to review this important function of law enforcement.

Our Department is one that is affected by the need to transport arrestees to the County Jail. It takes an officer anywhere from one to three hours round trip to complete this transport, depending on how busy the jail is at a given time. With sometimes just three officers on duty, including the supervisor, this leaves only two uniformed officers working the city. I would welcome and support your idea of researching the feasibility of a countywide prisoner-transporting program. Depending upon the shared costs a program such as this would be very beneficial to our Department.

Again, thank you for your review and please feel free to contact me for any additional information you may require.

Sincerely,


Steve Andrews
Interim Police Chief



PISMO BEACH POLICE DEPARTMENT

Joseph Cortez, Chief of Police

Community Pride • Community Service

*Local Lock-ups
Response -*

May 24, 2007

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

received
5/24/07

Dear Grand Jury Members:

Please accept this paper as the Pismo Beach Police Department's response to the Recommendations presented by the 2006-07 San Luis Obispo County Grand Jury inquiry into local lock-ups.

We thank each of the Grand Jury members for the valuable service they provide to our citizenry.

RECOMMENDATIONS

1.. **Agree with the Grand Jury Recommendation**

The Pismo Beach Police Department supports the recommendation for the formation of a task force to study the feasibility of a countywide prisoner-transporting program. A program such as this would be extremely beneficial to our agency in that we currently lose 25-33% of our on-duty patrol force for an hour or longer when we're required to book a prisoner into county jail.

Again, I thank the Grand Jury members for the service they render to the residents of San Luis Obispo County. I believe we have been well served. If I may answer any questions or concerns regarding our response to the findings and recommendations please do not hesitate to contact me.

Sincerely,

Joseph A. Cortez
Chief of Police

Cc: City Manager Kevin Rice

1000 Bello Street • Pismo Beach, CA 93449 • Phone: (805) 773-2208 • FAX: (805) 773-3505



Bob Perrault
City Manager

City of Grover Beach

Mayor Stephen C. Lieberman Mayor Pro Tem John P. Shoals
Council Member Chuck Ashton, Council Member Karen Bright, Council Member Bill Nicolls

September 18, 2007

Hon. Roger T. Piquet, Presiding Judge
San Luis Obispo Superior Court
1035 Palm Street, Room 385
San Luis Obispo, CA 93408

SENT CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7005 2570 0000 9081 1168

RE: RESPONSE TO 2006-07 GRAND JURY REPORT

Honorable Judge Piquet:

This is to serve as a response by the City of Grover Beach to the findings and recommendations contained in the 2006-07 Grand Jury report. You have already received the responses of our City Manager Bob Perrault and our Police Chief Jim Copsy.

The City Council has considered the findings and recommendations in the report and concurs with the responses provided by staff.

Consequently, please be advised that with regard to issues dealing with Historic Preservation (Section 9, Recommendation 2 and 3), the City will evaluate the information distributed to the public to ensure that appropriate information regarding preservation is incorporated. As far as the establishment of a Historic Preservation Committee, due to the fact that no historic structures or districts are located within City limits, the decision to establish such a committee will be considered in the future.

With regard to issues of "local lock-up" (Section 19, Findings 1, 2 and 3 and Recommendation 1), the City Council agrees with the findings which state that law enforcement agencies in the County, including Grover Beach, maintain well-operated facilities and have professionally trained staff. The Council also agrees that the transport of prisoners to the County facility by our police officers has a greater impact on smaller jurisdictions like Grover Beach and usually leaves one less officer to patrol the streets.

The City Council also concurs with the recommendation to form a task force which would study the feasibility of a county-wide prisoner transport program. Our staff will work with the San Luis Obispo County Sheriff's Office and other local police departments to explore the possibility of such a program.

Respectfully submitted,

STEPHEN C. LIEBERMAN
Mayor

154 South Eighth Street ♦ Grover Beach, California 93433 ♦ FAX (805) 489-9657 ♦ www.grover.org

Administrative Svs./Water (805) 473-4550 ♦ Community Development - Building, Planning & Public Works (805) 473-4520
Parks & Recreation (805) 473-4580 ♦ Human Resources (805) 473-4564 ♦ City Clerk (805) 473-4568
City Council/City Manager (805) 473-4567 ♦ Police Administration (805) 473-4511 ♦ Fire Administration (805) 473-4590



City of Morro Bay

POLICE DEPARTMENT

850 Morro Bay Blvd.
Morro Bay, CA 93442
(805) 772-6225 fax: (805) 772-2224

John DeRohan
Police Chief

June 19, 2007

Presiding Judge
San Luis Obispo Superior Court
1035 Palm St., Room 385
San Luis Obispo, CA 93408

Dear Presiding Judge,

On June 18, 2007, I received a copy of the Grand Jury final report regarding their inspection of the prisoner holding facilities of all the San Luis Obispo law enforcement agencies. I commend the members of the Grand Jury for their time and efforts inspecting the holding facilities on an annual basis. I am proud to report that the findings and recommendations of the Grand Jury support our efforts in this area. The Morro Bay Police Department strives to manage and maintain our holding cells in a professional and clean manner. We also agree with the Grand Jury analysis and concern of reduced staffing and our ability to transport prisoners to County Jail.

Per Penal Code Section 933.05, the following is our response to the findings and recommendations of the Grand Jury report. This report required our responses to Findings 1 & 3 and Recommendations 2, 3 & 4.

Findings:

1. *The Grand Jury believes that the short term holding cells within San Luis Obispo County are being managed and maintained in a professional manner. All cells were clean and well maintained. The Police and Sheriff's departments were well organized and have written procedures relating to their operations. The staffs are well trained and very professional.*

We agree with this finding.

2. *The reduction of peace officers on the street during transport of prisoners seems to be a countywide issue. Additionally, financial constraints have resulted in departmental staff reductions in some cities. The impact on these conditions intensifies with growth and affects smaller departments the most.*



City of Morro Bay

POLICE DEPARTMENT

850 Morro Bay Blvd.
Morro Bay, CA 93442
(805) 772-6225 fax: (805) 772-2224

John DeRohan
Police Chief

We agree with this finding. Budget reductions over the past couple years has left our police department with sworn police officer staffing levels below the staffing levels of twenty years ago. We lost four sworn officer positions two years ago. Our daily patrol shift minimum staffing was reduced from three sworn officers down to two. On many occasions, there are no officers or one officer available due to processing and transporting of prisoners to county jail. This creates an officer safety issue and extended response times to calls for service.

3. *While transporting a prisoner to County Jail might take only one peace officer off the streets for a few hours, that officer on the streets might have prevented an accident or saved a life. For each city to divert manpower for transporting prisoners seems inefficient.*

We agree with that finding. As stated above, it not only reduces the available officers to handle calls but creates a safety concern for the available officer to handle unsafe calls alone. Unlike other cities in this county, Morro Bay has no close cities to call upon for officer backup. The closest available law enforcement agency is the Sheriff's Department and most often they have no deputies in the immediate area. Having another means of transporting prisoners to County Jail to keep our officers in our city and available would greatly benefit us.

Recommendations:

1. *The Grand Jury recommends the formation of a task force to study the feasibility of a countywide prisoner-transporting program. Such a program could be used to assist each police department through cost sharing, reducing the impact of both cost and loss of police presence on the streets for each city.*

We agree with this recommendation and would be a willing participant in such a task force. We believe our agency is probably the most impacted agency in the county.

Sincerely,

A handwritten signature in dark ink, appearing to read "John DeRohan".

John DeRohan
Police Chief



City of Morro Bay

Morro Bay, CA 93442
(805) 772-6200

August 15, 2007

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

Dear Presiding Judge:

Enclosed you will find the staff report to the Morro Bay City Council regarding the 2006-2007 Grand Jury Final Report, along with the minute order for that specific item. The 2006-2007 Grand Jury Final Report includes references, findings and recommendations about the services and operations of the City of Morro Bay. California Penal Code requires that each agency to which findings and recommendations are directed must, within 90 days of the release of the report, respond to the Presiding Judge of the Superior Court with comments on the findings and recommendations in the report.

Please advise me if there is any further information you may need in this matter.

Sincerely,

Bridgett Bauer
City Clerk

FINANCE
595 Harbor Street

ADMINISTRATION
595 Harbor Street

FIRE DEPT.
715 Harbor Street

PUBLIC SERVICES
955 Shasta Avenue

HARBOR DEPT.
1275 Embarcadero Road

CITY ATTORNEY
955 Shasta Avenue

POLICE DEPT.
870 Morro Bay Boulevard

RECREATION & PARKS
1001 Kennedy Way

Historic Preservation

The City staff and the City Council have reviewed the findings and recommendations of the Grand Jury with regard to historic preservation and agree with them in concept. As noted by the Grand Jury, further program enhancements would require new and additional resources. Such resources are not available to this city at this time. At such time as resources do become available for this work, the city would consider further enhancement of the program beyond that in place at this time.

Short-term Holding Facilities and Prisoner Transport

The City staff and the City Council have reviewed the findings and recommendations of the Grand Jury with regard to the operation of short-term holding facilities and transportation of prisoners. We agree with both the findings and recommendations in concept. Staff recommends that the City Council endorse Chief De Rohan's written response and approve it as the City Council's response including the caveat that services are limited by available resources.

The appropriate Grand Jury Report sections and Chief De Rohan's response are attached.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JULY 9, 2007
VETERANS MEMORIAL HALL - 6:00 P.M.

D-8 RESPONSE TO 2006-2007 GRAND JURY FINAL REPORT; (CITY
ATTORNEY)

City Manager Robert Hendrix stated the 2006/2007 San Luis Obispo County Grand Jury Final Report includes references, findings and recommendations about the services and operations of the City of Morro Bay. The California Penal Code requires that each agency to which findings and recommendations are directed must, within 90 days of the release of the report, respond to the Presiding Judge of the Superior Court with comments on the findings and recommendations in the report. The Final Report addresses the issue of Historic Preservations and “for comparison purposes” reviewed the processes and procedures in place within the City of Morro Bay to preserve cultural and architectural resources. Mr. Hendrix recommended the City Council: 1) review the Final Report; 2) evaluate the findings and recommendations as they relate to the City; 3) approve this staff report with attachments as the response of the City Council to the Presiding Judge; and, 4) direct the City Clerk to forward a copy of this report with attachments and the minute order reflecting City Council action on this item to the Presiding Judge of the Superior Court.

MOTION: Councilmember Peirce moved the City Council approve this staff report with attachments as the response of the City Council to the Presiding Judge; and direct the City Clerk to forward a copy of this report with attachments and the minute order reflecting City Council action on this item to the Presiding Judge of the Superior Court. The motion was seconded by Councilmember DeMeritt and carried unanimously. (4-0)

ATTEST:



Bridgett Bauer
City Clerk



city of san luis obispo

POLICE DEPARTMENT
1042 Walnut St., San Luis Obispo, CA 93401 • (805) 781-7317

July 15, 2007

The Honorable Roger Picquet, Presiding Judge
San Luis Obispo County Superior Court
1035 Palm Street, Room 385
San Luis Obispo CA 93408

Re: 2006-2007 Grand Jury Report on Local Lock-ups

Dear Judge Picquet:

In accordance with Penal Code §933(c), the following is the City of San Luis Obispo Police Department's response to the 2006-2007 Grand Jury Report titled "Local Lock-ups." The Police Department appreciates the work of the Grand Jury on this very important topic.

FINDINGS

Finding 1: The Police Department agrees with the finding as it pertains to the City of San Luis Obispo Police Department.

Finding 2: The Police Department agrees with the finding.

Finding 3: The Police Department agrees with the finding.

RECOMMENDATIONS

Recommendation: The recommendation will be implemented. The City of San Luis Obispo Police Department will be pleased to participate in a task force to study the feasibility of a countywide prisoner-transporting program.

CONCLUSION

Thank you for this opportunity to comment on the Grand Jury's report. Should you or any member of the Grand Jury have any additional questions, please do not hesitate to contact me.

Respectfully submitted,

Deborah Linden
Chief of Police

Cc: City Council
CAO Ken Hampian

"Service, Pride, Integrity"



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



CITY OF ATASCADERO POLICE DEPARTMENT

Dedicated To Professional Service



JOHN G. COUCH
Chief of Police


June 14, 2007

Presiding Judge
San Luis Obispo County Superior Court
1035 palm St. Room 385
San Luis Obispo, CA 93408

The Honorable Presiding Judge,

I have received a copy of the Grand Jury report on Local Lock-Ups and have reviewed the contents. I agree with the method and findings as described in the report.

Sincerely,


John G. Couch
Chief of Police

5505 EL CAMINO REAL • ATASCADERO, CA 93422

General Business: (805) 461-5051 Administrative Services: (805) 470-3200 Watch Commander: (805) 470-3280 Investigations: (805) 470-3216 Fax: (805) 461-3702
www.atascadero.org



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

June 27, 2007

Honorable Roger Picquet, Presiding Judge
San Luis Obispo Superior Court
1035 Palm Street, Room 385
San Luis Obispo, Ca. 93408

Dear Judge Picquet:

Please accept this letter in official response to the 2007 San Luis Obispo County Grand Jury's "Local Lock-ups" report, findings and recommendations to the Paso Robles Police Department and other San Luis Obispo county law enforcement agencies.

In reviewing the Grand Jury's report and Paso Robles Police Chief Dennis Cassidy's response, I find the Department's response adequately and appropriately addresses the findings and recommendation.

I thank the Grand Jury for their attention to these issues and bringing them forward for further review and discussion. Through this process we hope to continue our efforts to improve public safety and provide better law enforcement services to the citizens of Paso Robles.

If the Grand Jury has any questions or concerns regarding Chief Cassidy's or my response, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. App".

James L. App
City Manager

Cc: Grand Jury ✓
City Council

1000 SPRING STREET • PASO ROBLES, CALIFORNIA 93446



Dennis Cassidy
Chief of Police

PASO ROBLES POLICE DEPARTMENT

June 19, 2007

Honorable Roger Picquet
Presiding Judge of the Superior Court
1035 Palm Street Rm. 385
San Luis Obispo, Ca. 93408

received
7/11/07
ms

Dear Judge Picquet,

I would like to thank you and the Grand Jury for their review of "Local Lock-ups" and their subsequent report, findings and recommendations to San Luis Obispo Law Enforcement agencies and particularly our department. The information provided allows us to review our policies and lock up operations and make appropriate changes and refinements where necessary. The Grand Jury, as always, has been extremely helpful in this endeavor.

The following is my official response to the 2007 Grand Jury "Local Lock-ups" report findings and recommendations.

FINDINGS:

- 1. The Grand Jury believes that the short term holding cells within San Luis Obispo County are being managed and maintained in a professional manner. All cells were clean, and well maintained. The Police and Sheriff's departments were well organized and have written procedures relating to their operations. The staffs are well trained and very professional.**

I believe the short term holding cells within the county are being maintained and managed professionally. I agree the Paso Robles Police holding facility is well organized with professional trained staff. Written policies and procedures are in place to guide and ensure proper facility operations.

- 2. The reduction of peace officers on the street during transport of prisoners seems to be a countywide issue. Additionally, financial constraints have resulted in departmental staff reductions in some cities. The impacts of these conditions intensifies with growth and affects smaller departments the most.**

I agree the transport of prisoners to county jail can reduce the number of available deployed peace officers in the field, especially in smaller cities throughout the county. Some cities have seen a reduction of sworn and non-sworn staff in recent times due to financial constraints, however; Paso Robles is not one of those cities.

900 PARK STREET • PASO ROBLES, CA 93446 • PH (805) 237-6464

I agree growth issues continue to challenge all of our communities, however; these challenges are not just limited to this single transportation issue or public safety. All communities, and especially smaller ones, will need to be more creative and work together to find solutions to work smarter with fewer dollars as suggested in this report.

- 3. While transporting a prisoner to County Jail might only take one peace officer off the street for a few hours, that officer on the street might have prevented an accident or saved a life. For each city to divert manpower for transporting prisoners seems inefficient.**

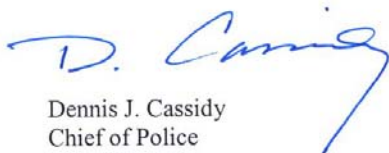
I agree a uniformed marked police presence on the street has a positive affect on maintaining the peace and reducing crime. While I agree diverting one peace officer for a few hours to transport prisoners to County Jail seems inefficient, alternatives, and the costs associated with them, have not yet been explored.

RECOMMENDATIONS:

- 1. The Grand Jury recommends the formation of a task force to study the feasibility of a countywide prisoner-transporting program. Such a program could be used to assist each police department through cost sharing, reducing the impact of both cost and loss of police presence on the streets for each city. (findings 2 and 3)**

The Paso Robles Police Department would support the Grand Jury's recommendation and participate in a task force to study the feasibility of a countywide prisoner-transporting program.

Yours for Professional Law Enforcement,



Dennis J. Cassidy
Chief of Police

Cc: San Luis Obispo Grand Jury
Jim App, Paso Robles City Manager
Paso Robles City Council

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

(1) DEPARTMENT Administrative Office		(2) MEETING DATE August 14, 2007		(3) CONTACT/PHONE Vincent Morici (805) 781-5496	
(4) SUBJECT Response to Grand Jury Report on the Local Lock-Ups.					
(5) SUMMARY OF REQUEST The Grand Jury issued a report on June 21, 2007 dealing local lock-ups. The report contains three findings and a single recommendation. All City Police Departments, the County Sheriff and the Board of Supervisors are required to respond to the findings and the recommendation.					
(6) RECOMMENDED ACTION It is recommended that your Board adopt the recommended response as the Board of Supervisors' response to the 2006-2007 Grand Jury Report on the County Jail and forward the response to the Presiding Judge.					
(7) FUNDING SOURCE(S) TBD		(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): Information from the staff of the Sheriff 's Department was used in preparing this 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 <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW: The Administrative Office prepared this report. OK					

8-14-07
B-1

County of San Luis Obispo

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



DAVID EDGE
COUNTY ADMINISTRATOR

To: Board of Supervisors
From: Vincent Morici, Administrative Analyst
Date: August 14, 2007
Subject: Responses to 2006-2007 Grand Jury Report on Local Lock-Ups.

RECOMMENDATION

The Board of Supervisors adopt the following response as the Board of Supervisors' response to the 2006-2007 Grand Jury Report on the County Jail and forward the response to the Presiding Judge.

DISCUSSION:

The Grand Jury issued a report on June 21, 2007 dealing local lock-ups. The report contains three findings and a single recommendation. All City Police Departments, the County Sheriff and the Board of Supervisors are required to respond to the findings and the recommendation.

The report addresses the holding cells used by various entities for short term detention of people who arrested and to be transported to the County Jail. The Grand Jury found that short term holding cells were being managed and maintained in a professional manner. However, the Grand Jury noted that when peace officers are used to transport prisoners, there is a reduction of peace officer presence on the streets. The Grand Jury recommends formation of a task force to study the formation of county-wide prisoner transporting program.

The County Sheriff has responded to the Grand Jury report and provided the Sheriff's response to the Presiding Judge. A copy of the response is attached to this report. The findings and recommendation of this report are shown below, each followed by the recommended Board of Supervisors' response.

Grand Jury Finding No. 1

The Grand Jury believes that the short term holding cells within San Luis Obispo County are being managed and maintained in a professional manner. All cells were clean and well maintained. The Police and Sheriff's departments were well organized and have written procedures relating to their operations. The staffs are well trained and very professional.

Board of Supervisors Response to Finding No 1

The Board of Supervisor agrees with the finding as it relates to the Sheriff Department. The Penal Code Section 933 identifies that responses are required by the governing body for those aspects of operations that are under the scope of operational or fiscal authority of the governing body. Consequently, the Board's response is limited to the portion of the

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finding that relates to operations of the Sheriff Department. However, we note that we have no information that conflicts with the Grand Jury's overall finding.

Grand Jury Finding No. 2

The reduction of peace officers on the street during transport of prisoners seems to be a county-wide issue. Additionally, financial constraints have resulted in departmental staff reductions in some cities. The impact of these conditions intensifies with growth and affects smaller departments the most.

Board of Supervisors Response to Finding No. 2

The Board agrees that peace officers who transport prisoners are temporarily removed from patrol on streets. This situation is common throughout California and the nation. The Board notes that staffing in Sheriff Department has increased significantly over the past two years. Growth affects both large and small departments. The Sheriff Department is the largest law enforcement presence in the County. However, the area covered by the Sheriff Department is many times larger than the area covered by police departments in cities resulting in a reduced law enforcement presence similar to that experienced by cities.

Grand Jury Finding No. 3

While transporting a prisoner to County Jail might take only one peace officer off the streets for a few hours, that officer on the streets might have prevented an accident or saved a life. For each city to divert manpower for transporting prisoners seems inefficient.

Board of Supervisors Response to Finding No. 3

This Board agrees that the hypothetical situation presented in the first part of the Grand Jury finding is possible. However, we note that peace officers responding to aid other jurisdictions in a mutual aid request or any of a variety of other circumstances where a peace officer is called to duty outside of their jurisdiction may present the same possibilities. As mentioned in the response to the Grand Jury Finding No. 1, the practice that the Grand Jury identifies as seeming inefficient is one used throughout much of the nation. It could be argued that if a cost effective, efficient alternative were available, it would likely be in widespread use.

Grand Jury Recommendation

The Grand Jury recommends the formation of a task force to study the feasibility of a county-wide prisoner-transporting program. Such a program could be used to assist each police department through cost sharing, reducing the impact of both cost and loss of police presence on the streets for each city. (Findings 2 and 3)

Board of Supervisors Response

The attached Sheriff's response states that the recommendation will be implemented within the next 60 days. Any prisoner transport program that is identified through the task force must meet the Grand Jury's criteria of reducing cost and increasing police presence for the County as well as for the cities. To do otherwise would result in the County subsidizing city police operations. The Board notes that the Grand Jury report would have been more helpful had the Grand Jury provided additional information as to how the Grand Jury determined that a prisoner transport program would reduce costs, and whether such a program was in use in other jurisdictions.

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3

OTHER AGENCY INVOLVEMENT

The County Administrative Office used information from the Sheriff Department in developing the recommended response.

FINANCIAL CONSIDERATIONS

The fiscal impact of the Grand Jury recommendation cannot be quantified. However, the recommendation would appear to require new additional staffing for prisoner transport available on a 24 hour, seven day a week basis. The cost of such operations would likely be substantial. The cost and benefits of a prisoner transport program would have to be weighed against the costs and benefits of additional sworn personnel. Any proposed program should be cost neutral to the County.

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.

Attachment: Grand Jury Report
Sheriff Response

B-1
4



Patrick Hedges

Sheriff-Coroner

San Luis Obispo County Sheriff's Department

P.O. Box 32
San Luis Obispo, CA 93406

Area Code:
(805)

June 21, 2007

Administration
781-4540

The Honorable Roger Picquet
Presiding Judge of the Superior Court
County Government Center
San Luis Obispo, CA 93408

Animal Services
781-4400

Civil
Enforcement
781-5484

RE: 2006-2007 Grand Jury Report - Local Lock Ups

Crime
Prevention
781-4547

Dear Judge Picquet:

Custody
781-4600

I have reviewed the 2006-2007 San Luis Obispo County Grand Jury Report regarding Local Lock-Ups. My response to their Findings and Recommendation is as follows:

Detectives
781-4500

Finding:

Coast Station
528-6083

1. *"The Grand Jury believes that the short term holding cells within San Luis Obispo County are being managed and maintained in a professional manner. All cells were clean, and well maintained. The Police and Sheriff's departments were well organized and have written procedures relating to their operations. The staffs are well trained and very professional."*

Dispatch
781-4550

The respondent agrees with this finding.

North Station
434-4290

South Station
473-7100

2. *"The reduction of peace officers on the street during transport of prisoners seems to be a countywide issue. Additionally, financial constraints have resulted in departmental staff reductions in some cities. The impact of these conditions intensifies with growth and affects smaller departments the most."*

Watch
Commander
781-4553

The respondent agrees with this finding.

Permits
781-4575

Property
781-4533

3. *"While transporting a prisoner to County Jail might take only one peace officer off the streets for a few hours, that officer on the streets might have prevented an accident or saved a life. For each city to divert manpower for transporting prisoners seems inefficient."*

Records
781-4140

The respondent agrees with this finding.

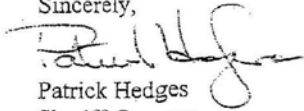
Warrants

Recommendation:

"The Grand Jury recommends the formation of a task force to study the feasibility of a countywide prisoner transport program. Such a program could be used to assist each police department through cost sharing, reducing the impact of both cost and loss of police presence on the streets for each city."

The recommendation has not yet been implemented, but will be initiated within the next 60 days.

Sincerely,



Patrick Hedges
Sheriff-Coroner

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