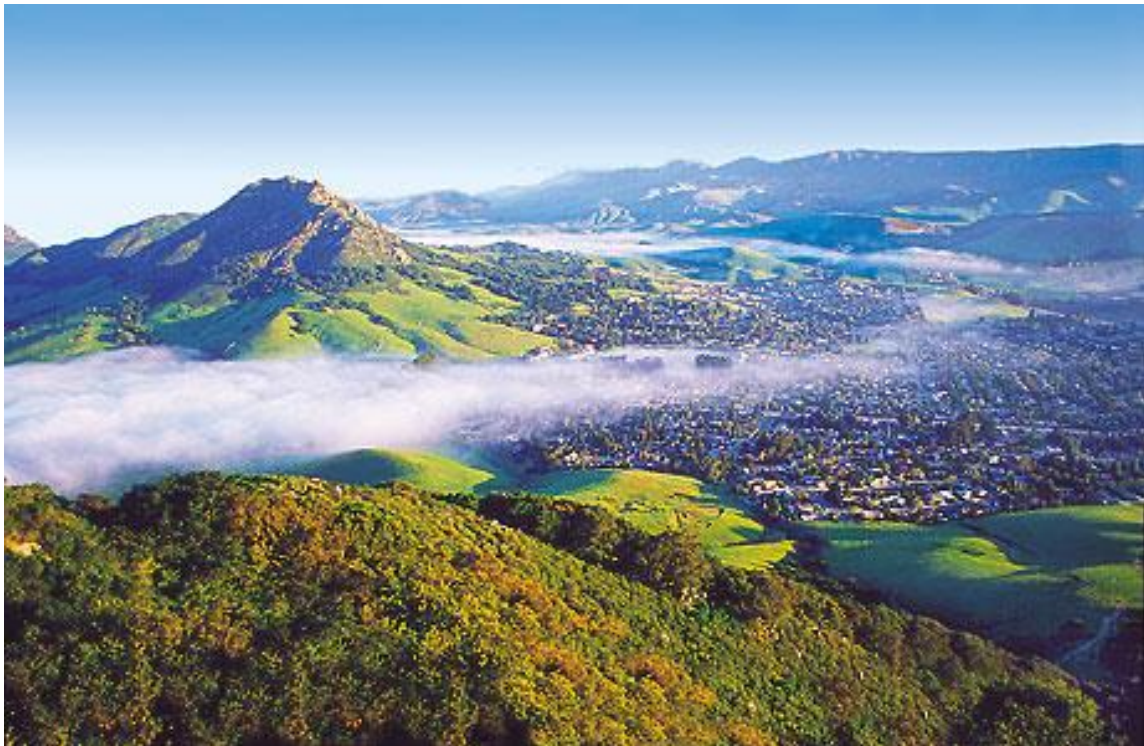


2014-2015 San Luis Obispo County Grand Jury

FINAL REPORT



San Luis Obispo County Grand Jury



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2014/15 San Luis Obispo County Grand Jury

Back Row, L-R: Dodie A. Harman, Presiding Judge; Larry Herbst, Foreperson; Henry Ribble; Ken Sage; Betty L. Cary, Grand Jury Secretary; Dennis Frahmann, Foreperson Pro Tem; Boz Schrage; Greg Schlitz; John Hall; Reggie Rini, AA

Middle Row, L-R: Terry Conner; Kathy Hurrle; Charles Adoff; Emily Kreins; Gordon Gadow

Front Row, L-R: Jon A. Hartz, Sr.; Ken San Filippo; Rich Ivie; Ophelia Rabanal; Ted Gauldin; Rodger Mastako

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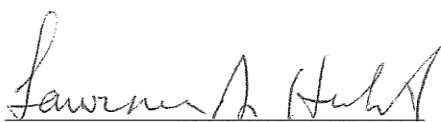
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GRAND JURY APPROVAL

California Penal Code §933(a) states:

"Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year..."

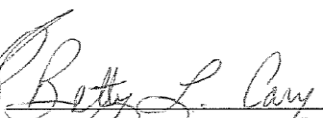
In conformance with the aforementioned Penal Code requirement, the 2014-2015 San Luis Obispo County Grand Jury approves and respectfully submits this report to the Honorable Dodie A. Harman, Presiding Judge, Superior Court of California, County of San Luis Obispo.



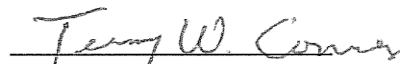
Lawrence A. Herbst, Foreperson
Arroyo Grande



Charles Adoff
San Luis Obispo



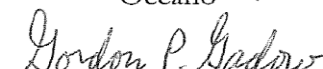
Betty L. Cary
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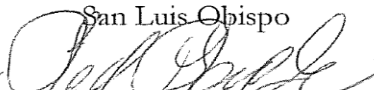
Terry Conner
San Luis Obispo



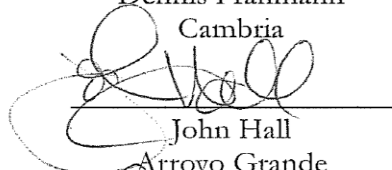
Dennis Frahmman
Cambria



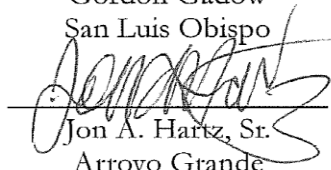
Gordon Gadow
San Luis Obispo



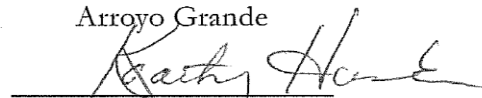
Ted Gauldin
Arroyo Grande



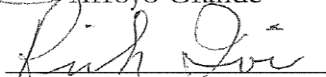
John Hall
Arroyo Grande



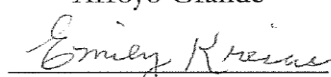
Jon A. Hartz, Sr.
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Rich Ivie
Templeton



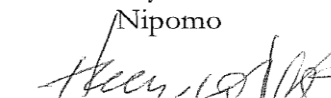
Emily Kreins
Nipomo



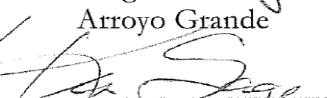
Rodger Mastako
Arroyo Grande



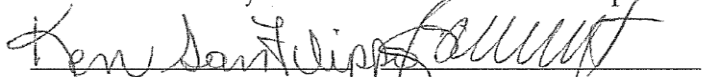
Ophelia Rabanal
Morro Bay



Henry Ribble
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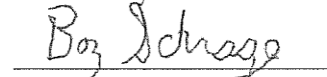
Ken Sage
Arroyo Grande



Ken San Filippo
Avila Beach



Greg Schlitz
Atascadero



Boz Schrage
San Luis Obispo

FOREPERSON'S FORWARD

As a somewhat unconventional and non-traditional individual, I have chosen to include what appears to be the recent tradition of explaining Grand Jury function in the foreperson forward at the end of my comments rather than at the beginning to focus my comments on the experience and results of the jury year.

I consider the 2014-2015 San Luis Obispo County Grand Jury results as both being consistent with acting as the watchdog function over local government and, as I mentioned many times to the panel during our term, to have “moved the needle” in improving operations of local government agencies. The year started with training of the jurors both new and holdovers from the 2013-2014 Grand Jury. This is perhaps the most important phase of the grand jury term as to the extent the jurors can grasp the formal process of investigations and report writing, the stage is set for the entire session. Selection of topics for investigations came next which combined a number of differing simultaneous approaches including reviewing citizen complaints, assessing key issues within the county at that time, past Grand Jury reports, and around-the-table brainstorming. In this regard, as evidenced by the reception throughout the county of the reports in this final consolidation, this jury performed admirably. With our plates full of meaty subjects, the investigative stage then began. Many hours, too numerous to count, went into the preparation for, the conducting of, and documenting interviews of local government agency personnel along with private citizens with specific expert-witness knowledge. As many typical Grand Jury investigations go, reams of documents representing “say what you do” coupled with a “Missouri-style” show me you “do what you say” were examined in great detail. This then led to the final stage of the process, that of report writing including careful review and editing to produce the over 100 pages of informational and investigative reports contained herein.

An initiative carried out by the 2014-2015 Grand Jury was one of improving county-wide awareness of the Grand Jury reports and the impact of improving local government performance through the adoption of recommended actions on the part of county agencies. One of the keys to that awareness was through media coverage from local newspapers, radio broadcasts, and television station news coverage. A majority of the 11 reports contained in this collection received coverage by one or more of the news reporting media. In reaching out to the media, we

found a high degree of receptiveness to our reports, their significance and relevance to the residents of the county, and a basic trust of grand jury work based on many decades of credible efforts by countless volunteer jurors applying themselves with fervor to their work. I believe what I am talking about here is exemplified most by the first report issued by this grand jury, *In a State of Emergency? Assessing Fire Risk in Cambria*. Although there was general awareness of the draught's impact on the Monterey Pine stand resulting in a dramatic increase in the percentage of dead or dying trees by members of the community and within the county and state fire agencies, the report and its timing seemed to have brought wider focus to the danger. A number of mitigating actions are underway with more on the drawing board as we speak. Through a concerted effort between residents of the Cambria area, fire officials, along with county support, that risk is being lowered every day and preparedness is increasing as well. For their coverage of this issue as well as other reports recently issued, I must offer my sincere appreciation and a big thank you to all the media that have supported our efforts this year.

It takes all 19 jurors on the panel working together with a common purpose to produce this collection of valuable reports with significant impact and benefit to the county residents. I would like to take this opportunity to recognize a few individuals for their significant contributions:

- Betty Cary, our secretary extraordinaire, for her record keeping and herding cats to keep us somewhat corralled.
- Dennis Frahmman, Pro Tem, key report writer, editor, keyboardist, press release expert, and social media maestro.
- Terry Conner, Emily Kreins, and Rodger Mastako for their supportive leadership.
- John Hall, Henry Rible, and Ken Sage for their report writing and editing expertise.
- Jocelyn Brennan and Reggie Rini, our Administrative Assistants who kept all the balls in the air and without whom none of this would have been possible.

It has been a privilege and an honor to have served the Superior Court of the County of San Luis Obispo and the citizens and residents of San Luis Obispo County.

Now for the obligatory portion. The San Luis Obispo Grand Jury is comprised of 19 volunteers, selected by the presiding judge that serve one year terms coinciding with the fiscal year of county government. The Grand Jury is setup as a watchdog function over local government to

insure local government agencies are run efficiently and effectively, and in accordance with stated policy and adopted regulations. Grand Jury proceedings are governed by the California State Penal Codes contained primarily within Title 4, Sections 888 through 939. All Grand Jurors are sworn to confidentiality during their terms and only what is contained in published reports released to the public can be subjects for discussion outside of jury proceedings. Each new jury selects a set of topics to investigate and report upon. It is important to note that in San Luis Obispo County, this “civil” Grand Jury does not have responsibility to bring indictments of a criminal nature to the District Attorney. If that function is required, the court assembles a specific criminal Grand Jury on a separate and as-needed basis. The reports may require responses from the specific agencies involved as dictated by penal code. The jury has no specific enforcement authority and its true power lies primarily through public opinion and voice and the professional integrity within the management of the county agencies. Each year, the Grand Jury publishes a Continuity Report (report card if you will) with that jury’s assessment of the adequacy, or lack thereof, of the formal responses from all agencies and their respective boards to the set of recommendations and commensurate implementation plans.



Larry Herbst, Foreperson
2014-2015 San Luis Obispo County Grand Jury

AUTHORITIES FOR GRAND JURY INQUIRIES

The authority for our inquiries is sanctioned by one or more of the following sections of the California Penal Code:

§919(b): “The grand jury shall inquire into the condition and management of public prisons within the county.”

§925: “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts. The investigations may be conducted on some selective basis each year, but the grand jury shall not duplicate any examination of financial statements which has been performed by or for the board of supervisors pursuant to Section 25250 of the Government Code; this provision shall not be construed to limit the power of the grand jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county”.

§925(a): “The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit. The grand jury may investigate and report upon the needs of all joint powers agencies in the county, including the abolition or creation of agencies and the equipment for, or the method or system of performing the duties of, the several agencies. It shall cause a copy of any such report to be transmitted to the governing body of any affected agency. As used in this section, "joint powers agency" means an agency described in Section 6506 of the Government Code whose jurisdiction encompasses all or part of a county.”

§928: “Every grand jury may investigate and report upon the needs of all county officers in the county, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices. Such investigation and report shall be conducted selectively each year. The grand jury shall cause a copy of such report to be transmitted to each member of the board of supervisors of the county.”

§933.5: “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 or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district or commission.”

§933.6: “A grand jury may at any time examine the books and records of any nonprofit corporation established by or operated on behalf of a public entity the books and records of which it is authorized by law to examine, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such nonprofit corporation.”

AUTHORITIES FOR AGENCY RESPONSES

The following section of the California Penal Code is cited as the authority under which each agency must respond to the Superior Court:

§933.05 (a): For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

§933.05 (b): For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

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

§933.05 (c): However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand

jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

§933.05 (d): A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

§933.05 (e): During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

§933.05 (f): A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

FINAL REPORTS

IN A STATE OF EMERGENCY? ASSESSING FIRE RISK IN CAMBRIA

INTRODUCTION

Cambria is a coastal community long known for water supply issues. As of March 2015, it remains in a Stage 3 (most severe) water emergency. Cambria also faces another severe, but less recognized emergency risk—the potential for a catastrophic fire. The risk level for such a fire is heightened by the town’s combination of geography, urban buildup and current drought.

This investigative report evaluates the current fire risk as assessed by firefighting professionals. It also examines the community’s preparedness for a disastrous fire. It then examines opportunities to mitigate the risk and offers recommendations for responding to the current situation.

ORIGIN

In reviewing a separate issue, the Cities and Special Districts Committee of the 2014-2015 San Luis Obispo County Grand Jury (Grand Jury) identified concerns about the status of local firefighting equipment. This led to inquiries about fire suppression services in general and the level of fire risk in the Cambria area.

AUTHORITY

California Penal Code section 925 authorizes the Grand Jury to investigate and report on the operations, accounts and records of special districts within the county.

METHOD

The Grand Jury conducted the investigation through interviews of relevant staff members and board members of key organizations, including CAL FIRE, Cambria Community Services District (CCSD), CCSD Fire Department (Cambria FD) and San Luis Obispo County

Community Firesafe Council (SLO Firesafe Council). It also interviewed two former local fire chiefs. The Grand Jury reviewed a number of relevant documents, including organizational websites, National Fire Protection Association (NFPA) guidelines, Cambria FD planning and strategy documents, Cambria FD general plan, and the wildland-urban interface¹ fire (WUI fire) pre-plan for the Cambria area. In addition, the Grand Jury attended three separate student team presentations at California Polytechnic State University, San Luis Obispo. Cambria was the subject of these students' winter project in a class on WUI Fire Protection and their findings and recommendations were presented to a public audience.²

BACKGROUND

Two organizations provide fire suppression services for Cambria:

- The CCSO provides the community with water and wastewater treatment, parks and recreation, and fire and safety services. It maintains a fire station at 2850 Burton Drive in Cambria. This station is staffed 24 hours a day by a three-person team that includes a captain, engineer and a reservist.
- CAL FIRE³ operates Fire Station 10 at 6126 Coventry Lane in Cambria. During fire season⁴, a team of one captain (or engineer) and three firefighters staff the CAL FIRE station around the clock. During other periods, a team of one captain (or engineer) and one firefighter staff the station. This is a state-funded station. (San Luis Obispo County augments funding during non-fire season through the Amador Plan.⁵)

¹ A wildland fire is a fire in a forest, grassland or brushland. A wildland-urban interface fire involves wildland areas but also people and built environments such as homes, businesses and infrastructure.

² Copies of these student reports can be obtained by contacting the Natural Resources Management & Environmental Sciences Department at the university.

³ CAL FIRE is the fire protection arm of the California Department of Forestry and Fire Protection. It protects State Responsibility Areas (SRA) and is the agency with which San Luis Obispo County contracts to provide fire suppression services for certain county areas. All of Cambria is within the SRA. SRAs are defined by the California Public Resources Code Sections 4125 and 4126.

⁴ Fire season generally is considered the summer and autumn months, but exact dates may vary based upon rainfall and other conditions.

⁵ The Amador Plan refers to state law that allows the director of CAL FIRE to enter into an agreement with another governmental organization to provide fire suppression services. California Public Resources Code Section 4144 authorizes the Amador Plan.

Cambria FD and CAL FIRE have a mutual/automatic aid agreement. In the case of a larger fire, call for aid may go to Hearst Castle Fire Department (10 minutes away), Cayucos Fire Department (20 minutes away), Morro Bay Fire Department (30 minutes away), Paso Robles County Fire Station (30 minutes away) or additional CAL FIRE or San Luis Obispo County resources elsewhere in the county. Due to budget cuts, the Hearst Castle Fire Department currently may not respond to calls outside the state park. In the event of a major WUI fire, fire suppression resources would come from throughout the state.

NARRATIVE

Cambria is bounded by ocean on one side and otherwise is separated from other communities (and their fire and emergency departments) by miles of open land and ranches. It is nestled in one of only three remaining natural stands of Monterey pine⁶ in the world. Popular with tourists, seasonal homeowners and retirees, its permanent population of approximately 6500 may vary greatly depending on the time of year. A multi-year drought has increased the community's longstanding water-supply issue. It has also increased both the likelihood of a catastrophic WUI fire and the difficulty in suppressing one.

THE RISK OF CATASTROPHIC FIRE

A number of factors place Cambria at particularly high risk for major WUI fires:

- Unlike most of the developed areas of San Luis Obispo County, Cambria's hilly terrain is forested. Because of the drought, its 3200-acre, native Monterey pine forest is riddled with thousands of dead trees. It has been estimated that 30% to 40% of the overall forest is either dead or dying, compared to 10% historically. These dead trees are much more susceptible to burning and they significantly increase the risk of a wildland fire spread.
- A break in the drought will not restore life to these dead trees; until these trees are dealt with, their fire risk will remain. A continuation of the drought will only increase the likelihood of more dead and dying trees. The poor health of the forest has also led to an

⁶ The other two natural stands are in Monterey and Ano Nuevo (near Santa Cruz, California). In addition, two populations of a two-needle variety exist on two small Mexican islands called Cedros and Guadalupe, off the coast of Baja California.

increased presence of bark beetles, pitch canker and dwarf mistletoe—all of which increase tree mortality. In some individual stands of trees, as many as 70% are dead or dying.



The photo illustrates the extent of dead trees in the Scott Rock area of Cambria (across from Coast Union High School) as of January 2015.

- Much of the area’s development (more than 4610 habitable structures) is characterized by small lots, narrow winding streets, steep hillside building sites, and existing structures that don’t meet current building standards and fire codes. According to local fire officials, fire can spread easily and quickly in these settings.
- The community has limited water sources; moreover, its existing water infrastructure is aging and subject to service interruptions. Adequate water for a major fire could be an issue.
- The area is serviced by aboveground electrical power lines. Even with tree trimming by PG&E contractors, strong winds may cause falling trees to hit power lines. This increases the risk of a fire starting. Strong winds might also cause trees to fall across roadways, blocking traffic and impeding both evacuation and response.
- Because of Cambria’s isolation, initial response to a fire is limited to the combination of the Cambria FD and CAL FIRE units. In general, additional response is at least 20 minutes away.

- There has been no large fire in the area for the past 70 years. This has resulted in a significant accumulation of highly flammable ground litter and ladder fuels.⁷

Cambria is rated by the state as a High Fire Hazard Zone.⁸ However, all fire professionals that the Grand Jury interviewed describe the current situation in even more vivid language. One said, “Cambria is approaching an extreme fire hazard.” Another former fire captain familiar with the area called the situation “very serious to borderline dangerous.”

Multiple fire professionals liken the Cambria situation to two prior fires in California. One of those is the 1987 Pebble Beach fire in Monterey County (also known as the Morse Fire). This fire occurred in a Monterey pine forest that was less densely developed than Cambria. In that wind-driven fire with winds of 20 miles per hour, 36 homes were lost and 100 families displaced. The other comparison is to the Oakland Hills firestorm of 1991 (also known as the Tunnel Fire). This fire occurred in a forested urban area of older homes with narrow, hilly streets. That fire quickly spread across 1500 urban hillside acres, destroyed 2900 buildings and killed 25 people.

PREPARING FOR THE POTENTIAL OF CATASTROPHIC FIRE

While no government agency can possibly staff resources to deal with every possible catastrophe, it can pre-plan to deal with them effectively and efficiently. In this regard, two key considerations for Cambria’s pre-planning are evacuation plans and fire hazard mitigation.

Alerting and evacuating residents of Cambria is a challenge for a number of reasons, including:

- Reverse 911 calls that alert the need to evacuate or take other actions may have limited impact. Increasingly, local residents do not have land lines which are automatically tied into a reverse 911 system. Residents that rely on mobile phones must register their numbers with reverse 911, or they will not receive alerts. The large seasonal and visitor population is unlikely to be registered with reverse 911. Since Cambria is outside the

⁷ A ladder fuel is a firefighting term for live or dead vegetation that allows a fire to climb from the landscape or forest floor into the tree canopy. This can result in a running crown fire, the most intense and difficult type of wildland fire to control. Common ladder fuels include tall grasses, shrubs and tree branches, both living and dead.

⁸ CAL FIRE uses ratings to express the overall fire risk potential. The highest rating is Very High Fire Hazard Zone. The second highest is High Fire Hazard Zone.

Pacific Gas & Electric Company Early Warning System boundaries, the community cannot be alerted by the sounding of emergency sirens.

- Land entrance and exit to the town is limited to Highway 1 with all streets funneling to that one route. Many of those streets are narrow and winding, creating difficulty both for fire equipment access and residential evacuation. Even under non-emergency conditions, access can be difficult.
- Evacuation plans are available on the CCSD website and in local phonebooks. The plan has been mailed in the past to local addresses, but general awareness of these plans appears limited.
- The population is aging⁹, with many having mobility issues, increasing the difficulty of a rapid evacuation.

In the case of a major fire emergency, the decision to evacuate Cambria would be made by a unified incident command comprising the Cambria FD and CAL FIRE. The anticipated first request would be for the San Luis Obispo County Sheriff (Sheriff's office) to activate the reverse 911 call process and provide evacuation assistance and traffic control.

A number of steps have been taken to prepare for a potential WUI fire in the Cambria area. These include:

- *Development of a WUI fire pre-plan.* Because of the major concerns for potential WUI fire in the area, CCSD, CAL FIRE, the San Luis Obispo County Office of Emergency Services and the Sheriff's office developed a pre-plan in 2010. It outlines recommended preparation steps, provides a checklist to follow when evacuation is required and identifies emergency travel routes and safe refuge areas.
- *Creation of fire or fuel breaks.* In the past, work has been done on establishing fuel breaks. Currently, community agencies are seeking grants to fund additional work to clear the forest of dead and dying trees, manage the forest and align the work of various

⁹ Nearly one-third of the population is over 65 and the median age is 57.1 years. Source: 2010 U.S. Census.

interested groups¹⁰ in Cambria, but there is no guarantee these funds will be granted nor sufficient. Clearing dead trees would significantly mitigate the fire risk.

- *Enhancement of community response.* This is accomplished through programs such as Community Emergency Response Teams (CERT), use of social media to spread alerts, practice drills and other local outreach.

Additional resources are likely available on a county, state or federal level to augment these activities. If the CCSD were to declare Cambria in a local emergency regarding fire risk, or request San Luis Obispo County to declare such an emergency, or take other similar public positions, it would raise local awareness of the risk and help in obtaining outside grants or other funding by county, state or federal governments.

The CCSD might also examine how other communities faced similar risk. Some ten years ago, the Lake Arrowhead area of San Bernardino County dealt with a dying forest caused by an extended drought and pine beetle infestation. In that instance, a combination of local government actions encouraged clearing of dead trees and received assistance from inmate crews provided through CAL FIRE.

CONCLUSIONS

Due to its environment, location and population, Cambria is a wildland-urban interface community facing a severe fire threat. There are steps local government should take to raise the public's awareness and understanding of the risk, to reduce the level of fuel in the forest and to prepare for emergency response. An initial step would be for the local governing agency, the CCSD, to declare a local emergency related to the fire risk in Cambria.

¹⁰ A number of nonprofits and independent groups in Cambria have interests in managing local forests, including Friends of the Fiscalini Ranch, Greenspace-Cambria Land Trust, Covell Ranch/The Nature Conservancy, Beautify Cambria and the Cambria Forest Committee.

FINDINGS

F1. The community of Cambria faces a severe fire threat due to a combination of environmental, geographical and demographic factors.

F2. The plan for public evacuation in the event of a wildland-urban interface fire or other emergency is not well understood or publicized within the community.

F3. While the execution of the emergency evacuation plan is ultimately the responsibility of the Sheriff's Department, the promotion of the plan is the responsibility of the Cambria Community Services District.

F4. Work on improving fire breaks and removing dead trees or other fire hazards would lessen the fire risk.

RECOMMENDATIONS

R1. The Cambria Community Services District should request that a local emergency be declared regarding the fire risk and forward it to the San Luis Obispo County Board of Supervisors for ratification.

R2. If the Cambria Community Services District fails to request a local emergency, the San Luis Obispo County Board of Supervisors should do so on its own.

R3. The Cambria Community Services District should take additional action to raise public awareness locally and with relevant county, state and federal emergency management agencies. Such actions might include conducting community drills, conducting a new campaign for reverse 911 sign-ups for mobile phones and mailing the wildfire evacuation plan to residents.

R4. The Cambria Community Services District should obtain funding to improve forest management.

R5. The Cambria Community Services District should use the funding to:

R5(a): Improve existing fuel breaks.

R5(b): Expand fuel break program.

R5(c): Remove dead and dying trees.

R5(d): Remove other fire hazards such as ladder fuels and other flammable materials.

REQUIRED RESPONSES

The Cambria Community Services District is required to respond to Findings 1, 2, 3 and 4, and Recommendations 1, 3, 4 and 5(a, b, c, d).

The San Luis Obispo County Board of Supervisors is required to respond to Findings 1 and 2, and Recommendations 1 and 2.

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

Presiding Judge	Grand Jury
Presiding Judge Dodie Harman Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910 grandjury@co.slo.ca.us

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MAKING THE CASE FOR EFFICIENCY: MAXIMIZING EMERGENCY SERVICES IN CAMBRIA

INTRODUCTION

Cambria is a coastal community long known for water supply issues and remains in a Stage 3 water emergency as of March 2015. A separate report issued by the 2014-2015 San Luis Obispo County Grand Jury (Grand Jury) found that Cambria also faces another severe, but less recognized emergency risk.

There is an increased risk of catastrophic fire in Cambria because fire suppression and emergency services are characterized by aging equipment, lack of financial reserves, relative isolation and overlapping services provided by different emergency responders.

Cambria residents have consistently shown a willingness to fund key services such as fire suppression, emergency medical services and other types of emergency responses through approval of local fire assessments and healthcare special district taxes. However, the perceived quality of current services may potentially mask other significant shortfalls and inefficiencies. Furthermore, the community may be missing opportunities for improvements.

This investigative report evaluates how current agencies providing emergency services interact and impact Cambria. It examines the current strengths and weaknesses of:

- Local firefighting response and equipment.
- Local ambulance response and equipment.
- The overlapping relationships of the Cambria Community Services District Fire Department, CAL FIRE and the Cambria Community Healthcare District.

Finally, this report recommends potential paths for improvement.

ORIGIN

In reviewing a separate issue, the Grand Jury identified concerns about the status of local firefighting equipment. This led to inquiries about fire suppression services in general, the level of fire risk and the relationship of the Cambria Community Services District Fire Department to other relevant agencies and organizations including CAL FIRE, San Luis Obispo County Fire Department and the Cambria Community Healthcare District.

In a separate report titled “In a State of Emergency? Assessing Fire Risk in Cambria,” this Grand Jury addressed the issue of wildland-urban interface fire risk. This report focuses on fire suppression and related services.

AUTHORITY

California Penal Code section 925 authorizes the Grand Jury to investigate and report on the operations, accounts and records of special districts within the county.

METHOD

The Cities and Special Districts Committee of the Grand Jury conducted this investigation. The Grand Jury interviewed key staff members of relevant organizations including CAL FIRE, Cambria Community Services District (CCSD), CCSD Fire Department (Cambria FD), Cambria Community Healthcare District (CCHD) and San Luis Ambulance Service. It also interviewed a representative director of the CCSD, a representative director of the CCHD, the general manager of another community services district that has considered contracting with CAL FIRE, and former fire chiefs of local fire departments. It reviewed a number of organizational websites and pertinent documents including National Fire Protection Association (NFPA) guidelines, Cambria FD planning and strategy documents, Cambria FD general plan, wildland fire pre-plan for the Cambria area and independent fire service studies done for other communities of similar size.

BACKGROUND

Three separate organizations provide emergency services to the Cambria area:

- CCSD provides the community with water, wastewater treatment, parks and recreation, and fire and safety services. Cambria FD, a part of CCSD, maintains a fire station at 2850 Burton Drive in Cambria. This station is staffed 24 hours a day by a three-person team: a captain, an engineer and a reservist.
- CAL FIRE¹¹ operates Fire Station 10 at 6126 Coventry in Cambria. During fire season¹², four persons (one captain or engineer and three firefighters) staff the CAL FIRE station around the clock. During other periods, two persons (one captain or engineer and one firefighter) staff the station. This is a state-funded station. San Luis Obispo County augments funding during non-fire season through the Amador Plan.¹³
- CCHD provides emergency medical services, crisis intervention and health and safety education to a North Coast area that includes, but is larger than, the CCSD boundaries. Local voters approved two separate taxes, one in 1985 and the other in 2006, to fund local ambulance and paramedic services. The CCHD maintains an ambulance station at 2535 Main Street, Cambria, with two ambulances staffed full-time.

NARRATIVE

Cambria is bounded by ocean on one side and is separated from other communities (and their fire and emergency departments) by miles of open land and ranches. It is nestled in one of only three remaining natural stands of Monterey pine in the world¹⁴. Popular with tourists, seasonal homeowners and retirees, its population of over 6000 may vary greatly depending on the time of year.

¹¹ CAL FIRE is the fire protection arm of the California Department of Forestry and Fire. It protects State Responsibility Areas (SRA) and is the agency that San Luis Obispo County has contracted with to protect county areas outside of special districts and cities. All of Cambria is within an SRA.

¹² Fire season generally is considered the summer and autumn months but exact dates may vary based on rainfall and other conditions.

¹³ The Amador Plan refers to state law that allows the director of CAL FIRE to enter into an agreement with another governmental organization to provide fire suppression services.

¹⁴ The other two are in Monterey and Ano Nuevo (near Santa Cruz). In addition, two populations of a two-needle variety exist on two small Mexican islands called Cedros and Guadalupe, off the coast of Baja California.

Because of its environment, the current drought, location and population, Cambria is a wildland-urban interface¹⁵ community facing a severe fire threat. As a result, it is important that its limited emergency resources are managed and deployed as effectively as possible. This report will look at all three agencies involved in providing fire suppression or emergency services to this area.

CAMBRIA COMMUNITY SERVICES DISTRICT FIRE DEPARTMENT

The Cambria FD services an area consistent with the boundaries of CCSD, which includes the urbanized area of the Cambria coast. The Cambria FD is operated by CCSD and its budget of approximately \$1.7 million is funded through local assessments and tax revenues.

Personnel

The Cambria FD employs a fire chief, three captains and three engineers full-time; approximately fifteen reservists are part-time employees. All full-time staff are trained as certified Firefighter I or higher, and also trained as emergency medical technicians or paramedics. There is a high turnover rate among reservists, and their pay is near minimum wage. Most take the position to obtain on-the-job training needed for full-time positions, often at other fire departments, resulting in training and staffing challenges. Support functions such as fire safety, training, preplanning inspections, vehicle maintenance or fire prevention are assigned to full-time staff as additional responsibilities.

In 2014 the current fire chief announced he would retire in July 2015. Recently, he extended that date to October 2015. In late February 2015, the CCSD took the first step in seeking a replacement by initiating a Request for Proposal from a recruitment agency.

¹⁵ A wildland-urban interface area is one where human development is close to, or within, natural terrain and flammable vegetation and where high potential for wildland fire exists.

Responsibilities

Cambria FD responds to fires and other emergency situations such as vehicle accidents, medical emergencies, public service assists¹⁶ and the like. In addition to responding to alarms, staff is responsible for local fire prevention activities including code adoption, permitting, plan review and inspections. Cambria FD also provides water rescue and may respond to incidents outside its area due to mutual/automatic aid agreements.

Multiple Unit Response

Fire calls generate responses from both Cambria FD and the local CAL FIRE station staff, with whom the Cambria FD has a mutual/automatic aid agreement. This typically results in five or more firefighters on-site, meeting the Occupational Safety and Health Administration (OSHA) requirement for at least four firefighters on-site before a two-person team can enter a structure fire for rescue. Therefore, the combined response of both departments to a fire is appropriate. Industry practice¹⁷ recommends at least 10 to 12 firefighters on-scene for initial response for structure fires. In such cases, a call for aid would go to other fire departments in the area, all of which are at least 20 minutes away.

In other 911 emergencies, such as medical aids or vehicle accidents, Cambria FD, CAL FIRE and ambulance services of CCHD all respond. This can result in up to seven emergency responders and multiple vehicles on-scene.

Equipment

Cambria FD's primary equipment is a 2006 Pierce Type I fire engine and the reserve engine is a 1988 FMC Type I fire engine¹⁸. Although no legal requirements govern the length of usage for a fire engine, general guidelines suggest that a 28-year-old engine is well past its recommended

¹⁶ An example of a public assist is if a person falls and calls for help in getting up.

¹⁷ When this report references general guidelines, it reflects consolidated input received from multiple firefighting professionals and a review of pertinent documents from the National Fire Protection Association (NFPA). *NFPA 1710* standards cover full-time departments, and *NFPA 1720* covers volunteer departments.

¹⁸ FMC is a model name for fire equipment sold by the FMC Corporation.

service life.¹⁹ In addition to its age, the 1988 reserve engine has an open rear cab. An open cab exposes firefighters in a wildland fire and therefore does not meet NFPA guidelines. Currently, Cambria FD has no vehicle replacement fund or plan for this reserve engine.

Strategic Plan

In 2003 Cambria FD developed an initial long-term Master Plan. It detailed an approach to move from a volunteer fire department to a full-time, professional force. In 2011 Cambria FD on its own initiative drafted a new Master Plan for the fire department with a recommendation that the CCSD develop a long-term community strategic plan that encompassed the fire department. Key members of the CCSD leadership acknowledge not being familiar with the details of the 2011 Cambria FD Master Plan recommendations. As of January 2015, despite requests by Cambria FD staff, the 2011 Cambria FD Master Plan still has not been placed on the CCSD Board agenda or discussed with the broader community. Therefore, the Board and community have had no opportunity to debate the adequacy of current coverage or debate relevant trade-offs with other community priorities; or set long-term directions.

CAL FIRE

Cambria is within a designated State Responsibility Area. It is protected by CAL FIRE Station 10 which is located in Cambria and serves the North Coast of the county with fire suppression and emergency services. CAL FIRE has a mutual/automatic aid agreement with Cambria FD.

CAL FIRE Contracts

A variety of government entities contract with CAL FIRE directly (or indirectly through the San Luis Obispo County contract with CAL FIRE) to provide fire services for their respective areas. San Luis Obispo County contracts with CAL FIRE to provide fire suppression services for all county lands outside cities and special districts. In addition, CAL FIRE services the City of Pismo Beach, the special districts of Los Osos and Avila Beach, and Cayucos through the Amador Plan. CAL FIRE also operates dispatch services under contract for a number of

¹⁹ “In general a 10 to 15 year life expectancy is considered normal for first line pumping engines.” *National Fire Protection Association (NFPA) Handbook*, 17th Edition.

additional fire departments including Cambria FD. CAL FIRE enters into negotiating any agreement only upon a request from another government entity. The parties must determine such a contract would be mutually beneficial.

Nature of Contracts

In a CAL FIRE contract, the contracting community retains overall responsibility for setting the requirements of its fire coverage, such as staffing levels. It retains ownership of its fire station(s) and equipment. Contract agreements vary from one year to multiple years. Fees are quoted on a “not to exceed” basis with refunds when actual costs prove lower. Current employees typically are offered positions at the same rank within CAL FIRE. For the contracting community, benefits may include lower costs, simpler administration, economies of scale²⁰ and access to specialized roles, such as hazardous materials response, chief officer coverage, fire investigation, fire prevention and safety functions. For the local fire department staff, employment with CAL FIRE may result in a different work schedule and may at the same time provide better training and long-term career opportunities. For CAL FIRE, benefits include opportunities to achieve increased economies of scale and better coordination of resources.

Cambria FD and CAL FIRE Contract

In the past, CCSD asked CAL FIRE to provide an overview presentation on capabilities for contracting fire suppression services. Although this was done, no further detailed conversations occurred. Individuals interviewed from the involved parties acknowledged the potential for improved operations or cost control and said they were open to considering such a contract.

Based on other existing CAL FIRE contracts and on Grand Jury discussions with the potential parties, an agreement between CCSD and CAL FIRE would include CAL FIRE assuming operation of the fire station on Burton Drive while continuing to maintain its station on Coventry Lane. CAL FIRE could offer employment contracts to current employees of Cambria FD and

²⁰ Economies of scale refers to the expectation that a larger organization may be able to reduce unit costs by spreading expenses across a larger base, using buying power to obtain better prices, and balance resources more effectively.

assume administrative, training and operational activities. It may require CCSD to update its equipment to CAL FIRE standards. Dispatch services could roll into the overall contract.

In such a contract, requirements for staffing levels would be determined by CCSD as part of its negotiations with CAL FIRE. CCSD and the community would determine whether to maintain full-time staffing of three, reduce staffing or expand to four as envisioned in the 2003 master plan.

Potential Benefits of Contracting

If CCSD were to contract Cambria FD responsibilities to CAL FIRE, the following benefits would likely occur:

- Reduced costs through lower administrative or management costs, changed staffing levels or economies of scale.
- Added fire prevention resources, especially as it relates to specialized roles such as forestry management that might be shared across CAL FIRE operations in the county through coordination and access with the existing resources of CAL FIRE.
- Increased effectiveness of staff through existing training programs and procedures already in place for the much larger CAL FIRE staff.
- Better pathway to updating outdated equipment as a requirement to entering into a contract.
- Improved and diverse career paths, training and mobility for employees.

CAMBRIA COMMUNITY HEALTHCARE DISTRICT

CCHD is a public, tax- and fee-supported special district located in San Luis Obispo County. It operates an advanced life support ambulance service, maintains a volunteer crisis intervention team, owns a professional medical building and provides community healthcare education. With a budget of approximately \$1.5 million, CCHD employs 5 full-time and 15 part-time paramedics, as well as 4 full-time EMTs and 14 part-time EMTs. It operates two ambulances. Its boundaries extend from north of Cayucos to the northern San Luis Obispo County line. In addition, it provides services to a portion of southern Monterey County.

Financial Status

About two-thirds of CCHD's income is derived from two local citizen-approved measures (AA and B); the remaining one-third is from ambulance revenue. Recently, CCHD has been operating at or near a deficit. The 2014-2015 projected budget is just over \$1.5 million with an operating deficit of \$89,489.

Ambulance Equipment

CCHD operates two 2008 Dodge Sprinter ambulance units, with a 2000 and a 2002 Ford Van Type II as backup ambulances. The agency also operates a 1999 Ford Expedition as a supervisory/command vehicle. Industry standards suggest a typical ambulance service life of 200,000 miles.²¹ CCHD's primary equipment averages 25,000 miles per year placing the Sprinter units near the end of service life and both Type II ambulances beyond their typical service life. Similar to the situation with the fire engines at Cambria FD, the CCHD has no current replacement fund for these ambulances although the agency has recently submitted an application for a federal grant to replace one unit.

Overlap with Cambria FD and CAL FIRE

In incidents other than fire, personnel from CAL FIRE, Cambria FD and CCHD respond to each emergency call. Typically, this results in six or more people on-scene and multiple vehicles. It should be noted that there are times when more than six people could be needed to deal with an emergency. In 2013, there were 1265 responses with 484 requiring transport to a higher level of medical care. The rest were described as non-transport, stand-by, public assist and other types of calls. Interviewees acknowledged that there may be opportunities for better response coordination.

There are other elements of overlap between CCHD and Cambria FD, including maintaining separate facilities and separate administrative staff. The districts compete for employees with the same set of skills; in fact, several employees work at both CCHD and Cambria FD.

²¹ As determined by the benchmark data program of the North Central EMS Institute and reported by the Transportation Research Board of the National Academies (Canada).

Potential Merger

Over the past two years, the CCSD and the CCHD discussed in detail the potential for integrating the Cambria FD and its emergency response operations with the CCHD emergency response operations through a joint powers authority or other type of merger. Benefits and potential issues were identified, legal documents were drafted and an ad hoc committee was formed with representatives from the boards of both districts. However, the discussions were later put on hold. Participants indicated that a focus on the water crisis took precedence.

The initial work identified one major roadblock resulting from the differences between CCHD being a healthcare district and CCSD being a services district. This likely prevents a paramedic employee of the CCHD from being able to do firefighter work. One way to overcome this would be to allow the CCSD and CCHD to enter into a joint powers agreement to coordinate service, or a similar memorandum of understanding. Such work has not yet begun. However, it would be possible, in advance of resolving the final organizational structure issues, to co-locate CCHD personnel and equipment at the existing CCSD Burton Drive facility and achieve some economies of scale.

Benefits identified from an overall merger would likely include:

- Lower costs through lower administrative or management costs, changed staffing levels and roles, economies of scale and elimination of overtime pay through use of a FLSA exemption²².
- Added coordination of deploying resources especially as it relates to certain types of calls such as public assist through coordination and control of shared staff.
- Greater level of professionalism and training through integrating staff.
- Increased staffing levels for fire response by allowing Emergency Medical Service (EMS) workers to also serve in firefighting functions.

²² The *Fair Labor Standards Act* is administered by the U.S. Department of Labor.

CONCLUSIONS

Cambria has challenges relating to fire suppression and emergency services. Current providers of these services face several fiscal challenges including funding the replacement of aging, costly and specialized equipment. At the same time, the existence of multiple agencies with overlapping responsibilities offers the potential for efficiency improvements and cost savings through various alternatives for cooperation. Absent the sense of an emergency or the presence of any long-term strategic plans to address these issues and opportunities, there are no signs that the relevant agencies in Cambria will act to implement these alternatives.

FINDINGS

F1. Elements of fire equipment, such as a fire engine, owned by CCSD and operated by Cambria FD are outdated by industry standards and CCSD lacks a replacement fund or plan.

F2. Elements of emergency service equipment, such as ambulances, owned and operated by the CCHD are outdated by industry standards and CCHD lacks a replacement fund or plan.

F3. CCSD lacks an overall long-term strategy for improving fire and emergency services including acquiring and maintaining essential equipment, managing costs, public safety and balancing fire suppression with other community needs.

F4. There is an opportunity for improved fire suppression service if the CCSD were to explore contracting Cambria FD responsibilities with CAL FIRE.

F5. There is an opportunity for enhanced career development and training for existing fire and paramedic personnel as part of a larger organization.

F6. There is an opportunity for improved emergency services by aligning Cambria FD, CCHD and CAL FIRE emergency response.

F7. There is an opportunity for improved emergency services if Cambria FD and CCHD were to investigate centralizing ambulance services at the Cambria FD station.

F8. There is an opportunity to reduce overhead by merging organizations and use the savings to establish equipment replacement funds or to pay for other activities such as training, fire prevention and public education.

RECOMMENDATIONS

R1. Cambria Community Services District should, with community input, develop, adopt and implement a strategic plan that addresses a multi-year approach to fire suppression and emergency services.

R2. Cambria Community Services District should request CAL FIRE make a presentation regarding contracting for fire suppression in Cambria and obtain community input.

R3. Cambria Community Services District and Cambria Community Healthcare District should reactivate their ad hoc committee to integrate and coordinate activities and obtain community input.

R4. Cambria Community Services District and Cambria Community Healthcare District should implement the combined organizational structure which most effectively reduces administrative costs and improves services.

R5. Cambria Community Services District and Cambria Community Healthcare District should set in place funding approaches, including reserves, to update or replace fire and emergency equipment.

R6. Cambria Community Services District and Cambria Community Healthcare District should determine how to best utilize firefighters and EMS personnel within a common management structure.

REQUIRED RESPONSES

Cambria Community Services District is required to respond to Findings 1 and 3-8 and Recommendations 1-6.

Cambria Community Healthcare District is required to respond to Findings 2 and 5-8 and Recommendations 3-6.

The responses shall be submitted to the presiding judge of the San Luis Obispo County Superior Court. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

Presiding Judge	Grand Jury
Presiding Judge Dodie Harman Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910 GrandJury@co.slo.ca.us

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RESPONDING TO THE GRAND JURY: THE LEGACY CONTINUES

“To state the facts frankly is not to despair the future nor indict the past. The prudent heir takes careful inventory of his legacies and gives a faithful accounting to those whom he owes an obligation of trust.” –John F. Kennedy

INTRODUCTION

Each Grand Jury report may require responses to its findings and recommendations from government agencies. Only through consistent follow-up can the effective oversight role of the San Luis Obispo County Grand Jury be maintained. Subsequent Grand Juries diligently review the responses from the agencies for their adequacy. They also follow up with them to ensure agreed-upon actions are implemented. This follow-through ensures the Grand Jury’s legacy of improved service to the public.

AUTHORITY

California Penal Code Sections 933 and 933.05 prescribe responses to findings and recommendations. Agencies are directed by the Penal Code to report if a recommendation has been implemented, will be implemented, requires further analysis or will not be implemented. If an agency rejects a recommendation, an explanation must be provided. The Grand Jury posts all of its reports and each agency’s response(s) online each year.²³

NARRATIVE

The 2013-2014 Grand Jury issued nine reports: four were investigative reports with recommendations requiring agency responses and five reports were informational with no recommendations or required responses. The 2014-2015 San Luis Obispo County Grand Jury (Grand Jury) collected and reviewed the follow-up data for the four response-required reports. A

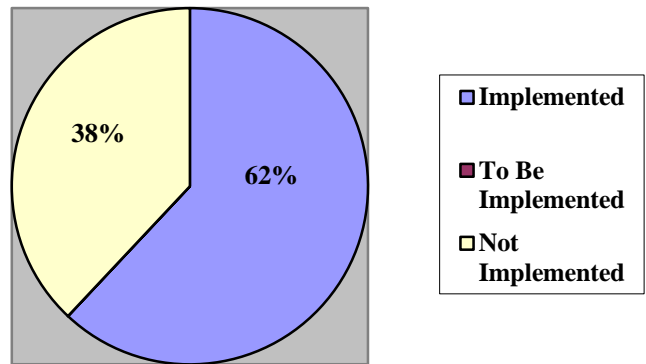
²³http://slocourts.net/grand_jury

total of 13 responses from various governmental agencies were required and have been examined.

The Grand Jury also reviewed the three prior year’s reports containing responses that anticipated future implementation. The Appendix on page 32 lists recommendation reviews prior to 2013-2014 with notations on which items are still pending.

SUMMARY OF RESPONSES

The primary goal of any Civil Grand Jury’s investigation is to call attention to the practices and procedures of local government and, if warranted, request issues be addressed and/or corrected. The responses to last year’s 2013-2014 Grand Jury are summarized below.



1. FORENSIC INVESTIGATIONS IN SAN LUIS OBISPO COUNTY: THE SAN LUIS OBISPO COUNTY CRIME LABORATORY

Recommendation Status:			
Implemented	To Be Implemented	Not Implemented	Total
1	0	0	1

The 2013-2014 Grand Jury visited the San Luis Obispo County Sheriff’s Office Crime Laboratory (Lab) in December 2013. The Lab provides an extensive range of forensic services in support of state, county and local agencies. The 2013-2014 Grand Jury found that work space within the Lab was limited and overcrowded. It found that both productivity and efficiency

could be enhanced by expansion or moving to a bigger space. The 2013-2014 Grand Jury made one recommendation: the space for the Lab should be expanded or the Lab moved to a larger facility. The Sheriff’s Office responded that it did not have an alternative site to which they could relocate the Lab nor the budget for a new building. However, it was able to add approximately 300 square feet to the Lab. As the Lab was expanded, the Grand Jury is satisfied the recommendation was implemented.

2. KITCHEN CONFIDENTIAL: DO YOU KNOW IF YOUR RESTAURANT MAKES THE GRADE?

Recommendation Status:			
Implemented	To Be Implemented	Not Implemented	Total
2	0	3	5

The 2013-2014 Grand Jury report asked the question, “Once a restaurant’s inspection is completed, how does the Health Agency (Agency) inform and educate consumers, both local and tourist, about the restaurant’s food safety conditions?” Recommendations #1, 3 and 5 were, respectively, to develop a visible restaurant rating sign system, create a separate San Luis Obispo County (County) restaurant website and to more effectively promote the Agency’s Award of Excellence Program. These recommendations were not implemented. In each response the Agency stated that action was not warranted.

In Recommendation #1 the Agency believes that posting a rating sign or placard provides very little information to the consumer about the condition of the restaurant since it could change daily. The Grand Jury disagrees. Having some information (how the restaurant scored on a given day) is better than having no information. The Agency also was concerned the use of placards would increase its cost since it would result in more restaurant owners requesting reinspections. It projected the County would need to add a fee of \$125 per reinspection to its fee schedule. This cost does not seem onerous to the Grand Jury considering the reinspection would be voluntary. The cost could be an incentive to a restaurant to promote better food safety conditions so it would not need a reinspection.

Recommendation #2, to improve the Agency’s existing website for food safety inspection reports, was implemented.

Recommendation #3, to create a separate website dedicated to county restaurants, will not be implemented. The Agency stated this is not warranted. It believes the current website which includes all food facilities is sufficient. The Grand Jury noted that including food facilities other than restaurants makes searches less user-friendly.

Recommendation #4 was to link the Agency’s website to social media (Twitter, Facebook, et al). The Agency now has links to social media on their main webpage and has therefore implemented the recommendation.

The Agency’s response to Recommendation #5 was that it is not warranted. Its explanation is that the Award of Excellence Program provides incentives for practicing good food safety habits, and a list of recipients is included on the Environmental Health Services webpage. Additionally, the recipients can advertise receipt of the award on their websites, in their marketing and in their establishments if desired. However, the Grand Jury disagrees. It believes it would serve as an incentive for other restaurants and increase business if the recipient was recognized for the award by being more prominently featured on the County restaurant website.

3. DEVELOPER FEES: A SCHOOL LESSON IN JUSTIFICATION

Recommendation Status:			
Implemented	To Be Implemented	Not Implemented	Total
3	0	2	5

The 2013-2014 Grand Jury found the assessment of, accounting for and expenditures made with developer fees collected in Cayucos were neither in compliance with *California Government Code* sections nor with the policies and regulations of the school districts involved. The 2013-2014 Grand Jury report made several recommendations to the Cayucos Elementary School

District (Cayucos Elementary), the Coast Unified School District (Coast Unified) in Cambria and the San Luis Obispo County Superintendent of Schools (County Superintendent).

Recommendation #1 dealt with the need for Cayucos Elementary and Coast Unified to negotiate terms and sign an agreement on fee splitting. State law requires such an agreement. The previous agreement expired in 2010. The parties agreed to implement this recommendation as of April 1, 2015.

Recommendation #2 was that Cayucos Elementary, Coast Unified and the County Superintendent work together to agree on one location for fee collection so developers would not need to travel to two places to pay the fees. The parties have implemented this recommendation. The fees for Cayucos development are now collected by the administrative office of the County Superintendent.

Recommendation #3 was the fees Coast Unified collects from Cayucos development should be used only at Coast Union High School for legally permissible purposes. *California Education Code* requires there be a reasonable relationship between the fee's use and the development project on which the fee is imposed. While Coast Unified believes its use of developer fees has been within the law and therefore will not implement this recommendation, the 2013-2014 Grand Jury found no such "reasonable relationship" for many of the past expenditures of Cayucos development fees by Coast Unified. The Grand Jury strongly urges Coast Unified to comply with the *California Education Code* and its intent and not obfuscate by stating there may be case-by-case instances of exceptions. Without verifiable examples to back them up, there should be no exceptions.

Recommendation #4 has been implemented. Cayucos Elementary and Coast Unified have each completed the required five-year audits of their developer fee collections and expenditures.

Recommendation #5, which will not be implemented, was that the County Superintendent lobby the state legislature for oversight authority of the developer fee program. The County Superintendent stated that current requirements are sufficient. The Grand Jury disagrees with the

County Superintendent’s response. The 2013-2014 Grand Jury’s report clearly states “The broad interpretation of the code, combined with a lack of oversight, has allowed for . . .the use of the fees to expand beyond their original intent with a nearly limitless threshold of what is permitted.” Thus, the current oversight is not sufficient.

4. COUNTY EMPLOYMENT RETIREMENT PLAN: “LET’S MAKE IT CLEAR”

Recommendation Status:			
Implemented	To Be Implemented	Not Implemented	Total
2	0	0	2

The 2013-2014 Grand Jury was aware of the financial stress some government agencies have due to their unfunded pension liabilities. Its report was on how well the County informed its residents of its pension liabilities. In Recommendation #1, the 2013-2014 Grand Jury asked the Pension Trust administrator and the Office of the Auditor-Controller-Treasurer (Office) to provide the Board of Supervisors and County residents with an additional simplified and transparent reporting of the totality of the County’s pension obligations.

In Recommendation #2, the Grand Jury suggested the Office provide a balance sheet showing year-to-year changes in the actuarial assets and liabilities to assist in tracking the progress of the plan. In response, the Office has taken several steps to provide the public with simpler access and more informative reporting of the County’s future pension obligations. The Office changed the pension obligation table in the Fiscal Year 2013-2014 Comprehensive Annual Financial Report (CAFR) to show ten years of pension history rather than the previously reported three years. In addition, the Office included the 30-year annual actuarial projection of the pension funds actuarial valuation in the CAFR.

These changes are helpful; however, they only partially address the issues of transparency and simplicity of information provided to the public. The 2013-2014 Grand Jury suggested the public interest would be better served by a brief separate document summarizing the end-of-year liability and how it relates to progress, or lack thereof, in eliminating the unfunded portion of the County’s pension liability.

REPORT STATUS TO 2013 – 2014 GRAND JURY RECOMMENDATIONS:

Recommendation Status:				
Report	Implemented	To Be Implemented	Not Implemented	Total
1. Forensic Investigations in San Luis Obispo County: The San Luis Obispo County Crime Laboratory; The San Luis Obispo County Coroner's Office	1	0	0	1
2. Kitchen Confidential: Do You Know if Your Restaurant Makes the Grade?	2	0	3	5
3. Developer Fees: A School Lesson in Justification	3	0	2	5
4. County Employment Retirement Plan: "Let's Make it Clear"	2	0	0	2
Total	8	0	5	13
Percent of Total	62%	0%	38%	100%

APPENDIX

PRIOR-YEARS REPORT RECOMMENDATIONS FOLLOW-UP

A VITAL FUNCTION OF THE JUDICIAL SYSTEM: LAW ENFORCEMENT PROPERTY AND EVIDENCE ROOMS

The 2011-2012 Grand Jury recommended police departments in the seven incorporated cities as well as the Sheriff's Department conduct and submit to the 2011-2012 Grand Jury a full property room/evidence room audit. Six of the seven cities and the Sheriff's Department complied. Arroyo Grande was only able to conduct a limited audit and plans to do a full audit when the police department returns to their remodeled station. Implementation is still pending for Arroyo Grande.

The 2011-2012 Grand Jury also recommended the Sheriff's Department use the services of either Police Officer Standards Training (POST) for management assistance or a qualified consultant specializing in property/evidence room management. The Sheriff's Department did use the services of POST and others during the design and move of its evidence room. Implementation completed.

PAY ME NOW OR PAY ME LATER, CITY EMPLOYEE VACATION AND SICK LEAVE ACCUMULATION

The 2011-2012 Grand Jury studied the actual employee vacation and sick leave accumulation in the County's seven cities, the rules and regulations governing these accumulations and the potential unfunded liability of these cities. They made a number of recommendations to the cities. Since some of these recommendations involved matters subject to bargaining unit negotiations, it took some time to implement them. The City of Paso Robles negotiated Memoranda of Understanding with all of its bargaining units and the city council then adopted them as policy. This completed the actions it agreed to take. The City of Arroyo Grande finished updating its personnel regulations in 2014. Arroyo Grande's regulations now refer to the appropriate bargaining unit's Memorandum of Understanding. One response is still outstanding;

the City of Grover Beach has not yet completed updating its regulations. Once that update is completed, the city says it will consult with its labor unions and will forward the completed document to the city council for approval. They anticipate the process will be complete by the end of June 2015. Implementation is still pending for Grover Beach.

AN EVENT IS AN EVENT – AN IMPACT IS AN IMPACT

The 2012-2013 Grand Jury reviewed County policies and practices regarding processing and use of permits for outdoor events. The existing land use ordinance for temporary events was adopted in 1980. Although the ordinance has been revised slightly, it has not been overhauled for 35 years. During this time the variety of outdoor events, the number of venues and attendees has significantly increased.

The 2012-2013 Grand Jury concluded the present event ordinance is brief, vague and inadequate as it does not address the impacts of events on the surrounding neighborhoods. In addition, nonprofit and grandfathered events are allowed to operate without the same oversight as permitted events. The 2012-2013 Grand Jury recommended the Board of Supervisors (Board) adopt the proposed Event Ordinance Amendment (Amendment) drafted by the Department of Planning and Building. The 2012-2013 Grand Jury also recommended the Board adopt proposed rules outlined in two sections of the Amendment. Recommendation #4 dealt with the importance of defining specific guidelines to mitigate event impacts such as noise, dust, traffic and parking. Recommendation #5 advocated regulations in the Amendment regarding environmental impacts, public safety and community relations apply equally to all events.

The Board rejected these 2012-2013 Grand Jury recommendations stating they were unwarranted and unreasonable because they infringed on the Board's legislative authority. Both the 2013-2014 Grand Jury and the 2014-2015 Grand Jury disagree with the Board. The Board always retains the power to act or not act on recommendations. In this case, the Board chose not to act both on the Grand Jury's recommendations and on the proposed Amendment. No explanation other than "not warranted" was provided. Thus, the current ordinance, although ineffective and obsolete, remains in effect.

Only Recommendation #2, “The Planning Department needs to streamline the permit process” is still pending. This recommendation was based on the assumption the proposed Amendment would be approved. Without the Amendment’s specific standards, the Grand Jury cannot continue to advocate that the Planning Department streamline the permitting process. Thus, the Grand Jury finds no further action is warranted on this recommendation. No further action needed.

TROUBLE IN TEMPLETON’S COMMUNITY SERVICES DISTRICT

The 2012-2013 Grand Jury investigated citizen complaints, employee concerns and news articles concerning alleged behavior of some Templeton Community Services District (TCSD) board members and the TCSD General Manager. The 2012-2013 Grand Jury found a number of problems and made nine recommendations to the TCSD Board and General Manager. Three of these recommendations (the need for comprehensive personnel rules and regulations, ensuring all employees have a yearly performance evaluation and timely posting of budget information and the minutes of the TCSD Board meetings) had not been fully put in place in 2014. All have now been implemented. Implementation completed.

MORRO BAY MUNICIPAL CODE ENFORCEMENT: BAND-AID OR PROCESS?

Should the City of Morro Bay make a transition from a citizen complaint-driven municipal code enforcement process to a proactive, managed code enforcement process?

INTRODUCTION

Municipal codes help establish the administrative framework for the health and safety of a community, its residents and visitors. Code enforcement also affects the visual and environmental aspects of a community.

Over the past decade, economic events such as loss of power plant funds and significant reductions to the fishing industry have resulted in a renewed interest by Morro Bay officials to revitalize its waterfront and increase other tourist-friendly projects. These activities can provide the potential for increases in revenues to support needed city services such as code enforcement which can improve tourist impressions.

This investigative report presented by the 2014-2015 San Luis Obispo County Grand Jury (Grand Jury) describes deficiencies in the current approach to municipal code enforcement and offers recommended changes that may benefit Morro Bay, its residents and visitors.

ORIGIN

Following a review of a Morro Bay citizen complaint, the Grand Jury solicited additional comments from Morro Bay residents about the lack of municipal code enforcement. This led to investigation of the process and effectiveness of current enforcement and how violations of these codes are addressed.

AUTHORITY

California Penal Code section 925 authorizes the Grand Jury to investigate and report on the operations, accounts and records of cities within the county.

METHOD

The Cities and Special Districts Committee of the Grand Jury interviewed relevant city officials, staff and Morro Bay residents for this report. In addition, it reviewed pertinent Morro Bay municipal codes and ordinances and Morro Bay's website with its links to departmental web pages. Finally, it researched how several other cities in the county manage municipal code enforcement.

BACKGROUND

Morro Bay is a seaside community incorporated as a city in July 1964 and currently has a population of approximately 10,500. During its 2002-2003 fiscal year Morro Bay experienced a 27% decrease in its General Fund revenues (\$13.2M to \$9.7M) due to the loss of power plant funds. At the same time the Operating Expenses increased 10% (\$9.7M to \$10.8M).²⁴ As a result plans were put into place requiring priority setting to reduce expenses. In response the position of code enforcement officer was vacated in 2005 and code enforcement was reduced to a complaint-driven process that continues today.

NARRATIVE

Municipal code enforcement includes application processing with inspection and follow-up of compliance. Municipal code responsibilities also fall under multiple departments within city administration. Most city officials interviewed agree that code enforcement is an important component in maintaining the health and safety of the community, residents and visitors. Additionally, these interviewees agree that proactive management in enforcement could provide cost-effective citywide compliance. Based on these comments, the Grand Jury examined what

²⁴ *Assessment of City Organization and Financial Options-2008* report by Management Partners, Inc.

steps should be taken for effective code enforcement management. These include the city's ability to receive, address and track complaints to resolution; and the ability of individuals to easily report violations and to be apprised of the outcome of complaints.

Reporting a Municipal Code Violation

The City of Morro Bay makes this process flexible, possibly too much so. Individuals may, and reportedly do, telephone or e-mail the mayor, any city council member, city manager, city hall or any city department with complaints and comments. Frequently, multiple departments receive the same complaint. Morro Bay's website provides a link with telephone and e-mail contact information for the police department operations commander to report code violations. This website also provides a link to the "Let Us Know" web page where completed report forms are directed electronically to specific city departments. Individuals may also complete and submit a complaint form at any city office. While this approach helps ensure individuals are not restricted in their communications with city officials and staff, some city officials admit significant resources are used in attempting to direct complaints to the appropriate department.

The Complaint Investigation Process

When city officials or staff receive an individual's complaint of a possible code violation, their first action is to direct the complaint to the department with the responsibility to resolve it. When staff is not certain which department has the primary responsibility, the complaint is submitted to the city attorney's office for distribution to the appropriate department(s). The investigation process may include discussions with the complainant and possible violator as well as a site visit. City staff attempts to work with violators to obtain voluntary compliance. Many complaints are investigated and resolved by the appropriate department while more complex complaints are referred to an interdepartmental team for resolution.

The Code Enforcement Committee

In 2009 under the guidance of the city attorney and police chief, the Code Enforcement Committee (CEC) was established to address interdepartmental issues and serious health and

safety code violation complaints. Representatives from the city attorney's office, police department, fire department, public services department and building services comprise this committee. Any city staff member may refer a complaint to the CEC. It meets on an as-needed basis (typically every other month) to assign responsibility for these complaints and to confirm status and progress on previously reported but unresolved complaints. To ensure complaints are tracked to resolution, the CEC uses a manual-entry spreadsheet identifying each complaint, the assigned responsible committee member and the current status of the complaint up to and including resolution. This spreadsheet does not track all complaints received by the city, only those referred to the CEC.

City officials acknowledge their current approach only corrects a single violation, instead of addressing similar violations throughout the city. It also requires the time and resources of multiple departments resulting in taking personnel away from their primary job. City officials interviewed agree the employment of a code enforcement officer as a single point of contact would provide a more complete, expedient and efficient process.

Responding to Complainant

City officials explain that while efforts are made to report resolutions to complainants, there isn't a formal process. Individuals may contact city hall staff to inquire about the status of a complaint. Without a readily accessible tracking system, the current status may not be available to staff who are left unable to respond to citizen inquiries.

CONCLUSIONS

While Morro Bay officials provide a wide range of options for its residents to communicate with them, the effectiveness of these communications cannot be determined and so many options may lead to confusion. Efforts to address code violations via a complaint-driven process can create the impression that city personnel do not see problems unless reported.

While the current complaint-driven process may result in correction of a single violation, similar violations at other locations in the city are not identified and therefore not addressed. This results in inconsistent enforcement which can be perceived as unfair.

Absent the existence of effective code enforcement tracking capabilities, comprehensive programs to ensure enforcement plans cannot be developed. The ability to track repeat municipal code violators is also limited.

Perception is reality. The inability to effectively communicate the actions taken and resolutions of reported code violations creates the impression that no action was taken and increases frustration levels among Morro Bay residents.

City officials agree that a focused municipal code enforcement process can:

- Allow department personnel to focus on their primary job
- Track code related application and licensing ensuring fees and penalties are collected
- Provide the capability for citywide enforcement compliance
- Provide the ability to track compliance and code violation complaint resolution

FINDINGS

F1: Morro Bay does not have a code enforcement officer.

F2: Municipal code enforcement in Morro Bay is complaint-driven.

F3: Complaint processing is distributed across multiple departments of the city government and therefore is a drain on city resources.

F4: Code enforcement targets only the violation at a specific location identified in a complaint resulting in the appearance of unfairness and inconsistency.

F5: Comprehensive tracking of all complaints and code violations by Morro Bay does not exist.

F6: Effective preventive actions or proactive management plans cannot be developed without comprehensive tracking.

F7: City hall staff is unable to quickly and effectively provide responses to questions about the status of code violation complaints.

RECOMMENDATIONS

R1: Establish a proactive managed code enforcement process.

R2: Fund and hire a full-time municipal code enforcement officer.

R3: Acquire, install and use a municipal code management software package to track all code violation complaints.

R4: Train staff on use of the new system.

REQUIRED RESPONSES

The mayor of the City of Morro Bay shall respond to Findings 1 through 7 and Recommendations 1 through 3.

The responses shall be submitted to the presiding judge of the San Luis Obispo County Superior Court. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

Presiding Judge	Grand Jury
Presiding Judge Dodie Harman Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910 GrandJury@co.slo.ca.us

WORKING OR NOT: CHALLENGES IN ENFORCING COASTAL VACATION RENTAL REGULATIONS

Because San Luis Obispo County is a tourist destination, many property owners, especially in coastal communities, make their houses or condominiums available for short-term vacation rentals. While such actions are subject to both county land use ordinances and taxes, individual landlord actions can conflict with overall community goals. In 2013 San Luis Obispo County updated its land use ordinances related to vacation rentals to address these concerns. This report examines how those ordinances are currently being enforced and opportunities for improvement.

INTRODUCTION

A vacation rental is when property owners rent their property for a short duration, less than 30 days and often a week or less. Such rentals can positively impact communities in many ways: they provide owners with additional income, open a community to more tourism and generate tax revenue for the county. Such rentals can also negatively impact the tone of a community: transient visitors may create noise or parking issues; frequently rented properties can change the feel of the neighborhood; and unlicensed rentals may deprive local governments of income even as they impact requirements for local services.

This investigative report evaluates the benefits and impacts to determine if vacation rentals, as managed in the County of San Luis Obispo, are consistent with the stated goals of the county land use ordinances and if pertinent laws and tax policies are being enforced. This report focuses on the coastal areas of Avila Beach, Cambria and Cayucos which are subject to the most detailed county restrictions. However, similar issues may apply to other unincorporated areas of the county since all vacation rentals must be licensed. This would include such popular tourist destinations as Oceano, Los Osos and the Paso Robles wine country.

ORIGIN

This case was initiated by the County Committee of the 2014-2015 San Luis Obispo County Grand Jury (Grand Jury) of its own volition and not from a complaint.

AUTHORITY

California Penal Code section 925 authorizes the Grand Jury to investigate and report on the operations, accounts and records of a county officer, department or function.

METHOD

The Grand Jury interviewed relevant members of the county staff (including individuals in planning, code enforcement, business licenses and taxation); members of the Sheriff's Department responsible for responding to resident complaints; representatives of advisory councils in Avila Beach, Cambria and Cayucos; citizens from affected communities and a property manager. It examined pertinent county ordinances and reports, as well as previous input from advisory councils regarding revisions to the ordinances. It reviewed online and printed listings for vacation rentals in coastal communities and compared them against official county records of licensed vacation rentals.

BACKGROUND

The Coastal Zone Land Use Ordinance covering vacation rentals was first adopted in 2003 and was most recently revised and approved in November 2013 (*San Luis Obispo County Code 23.08.165*). This set of ordinances defines residential vacation rentals, rationale for regulating them, permit requirements, common regulations, complaint processes and taxation requirements. The San Luis Obispo County Board of Supervisors (Board) made these revisions after a lengthy process of community input. The ordinance notes that "the Board of Supervisors find that residential vacation rentals have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, thereby having the potential for

a deleterious effect on the adjacent full-time residents. Special regulation of residential vacation rentals is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods they are located within.”²⁵

This report examines how these ordinances are impacting the affected communities after more than a decade of being in effect.

NARRATIVE

To assess the impact of vacation rentals on local communities, the Grand Jury first determined what is meant by a vacation rental. It then reviewed and assessed potential problems that may relate to vacation rentals in our county. This includes noise and parking complaints, unlicensed vacation rentals and loss of resulting taxes to the county, issues with obtaining or using vacation rental business licenses, and the potential misuse of minor use permits for vacation rentals.

Finally, the Grand Jury focused on areas where the county could better support existing county goals and policies.

DEFINING VACATION RENTALS AND THEIR STATUS

Definition

A residential vacation rental occurs when the owner of a residence makes that property available for short-term rentals, defined as less than 30 days. Actions that do not constitute a vacation rental may include: using a property as a second home that is not occupied full time; loaning the use of a house occasionally to friends or relatives or renting a house for a continuous term of more than 30 days.²⁶

²⁵ Page 8-75, *Coastal Land Use Ordinance, 23.08.165* <http://www.slocounty.ca.gov/Assets/PL/Ordinances/Title+23+-+Coastal+Zone+Land+Use+Ordinance/Title+23+Coastal+Zone+Land+Use+Ordinance.pdf>

²⁶ The county vacation rental ordinance does not specify if there is a minimum threshold for short-term rentals that would require being licensed. Under U.S. tax code, income from a residence rented for fewer than 15 days in a year is not subject to taxation. For the purpose of this report, the focus is on owners who are seeking repeat short-term engagements and demonstrate that through the active listing of their property.

Scope of Vacation Rentals

At the end of calendar year 2013, there were 849 licensed vacation rentals²⁷ in San Luis Obispo County generating over \$9 million in taxable revenue. Avila Beach (51), Cambria (351) and Cayucos (265) account for nearly 80% of these units. The total number of vacation rentals continues to grow each year. In 2012, 47 new rentals were licensed; in 2013, 57 were added; and as of early December 2014, 48 had been added. Even though each year some property owners drop their vacation rental status, the overall number of licensed vacation rentals in these three communities increased by 67 between 2010 and the end of 2013.

Impact of Vacation Rentals

Vacation rentals benefit the community in many ways. For the homeowner, the rental may serve as a source of income or a supplemental source of money that makes a second home affordable. For the California Coastal Commission, vacation rentals encourage access to and use of our coastline. In the county, vacation rentals also create a stream of revenue and taxes—state sales tax, business license fees, county transient occupancy taxes and local tourism business special district assessments designed to support tourism. At the same time, the county recognizes an excessive presence of vacation rentals have the potential to damage the community and alter the neighborhoods.

Permit Requirements

For a home to be licensed as a residential vacation rental in Avila Beach, Cambria or Cayucos, the owner must obtain three items from the county: a zoning clearance, business license and transient occupancy tax certificate. If a zoning clearance cannot be obtained, an owner can apply for a minor use permit. In addition, the owner must demonstrate proof from the local water or sewage disposal provider that the agency has been informed of the property's intended use and can accommodate this use.

²⁷ This report uses vacation rental counts based on the number of units holding transient occupancy tax certificates. This may not always match the count of units shown on planning maps as licensed vacation rentals.

Additional requirements relating to zoning clearances for vacation rentals include:

- Avila Beach. Must be at least 50 feet away from any other existing vacation rentals,²⁸ including condominium units.
- Cambria. Must be at least 200 feet away from another existing vacation rental on either side of the street and at least 150 feet away from such a property in any direction.
- Cayucos. Must be at least 100 feet away from another existing vacation rental on either side of the street and at least 50 feet away from such a property in any direction.

In all cases, the owner is limited to no more than four rentals within a given month. The owner is not permitted to place any exterior signage that identifies the property as a vacation rental.

Relevant Fees and Taxes

As mentioned earlier, a licensed vacation rental contributes to county revenues in several ways. In addition to obtaining an initial business license fee of \$41 (\$33 for each year's renewal), the owner of a rental must collect the following for each night's billed rate:

- State sales tax of 7.5%. Of this, 1% is returned to the county²⁹. The state collects this tax.
- Transient occupancy tax of 9% in unincorporated areas of the county³⁰. The transient occupancy tax is a tax on the guest and is held in trust by the property manager or owner before being turned over to the county.
- Tourist business improvement district assessment fees which vary by jurisdiction. For those unincorporated areas of the county with a tourist business improvement district, the assessment fee is 2% which is shared between the county and the community and used to promote tourism. The county collects this fee from the property manager or owner.

CONCERNS ABOUT NOISE AND PARKING

Some residents believe the presence of vacation rentals and their transient population may increase parking concerns and noise. For example, a large group may rent a residence and then

²⁸ The distance requirements apply not only to other existing vacation rentals but also to other types of visitor-serving accommodations such as a bed and breakfast. The ordinances provide additional details on how these measurements are determined.

²⁹ 6.5% is retained by the state; 0.75% is returned to the local jurisdiction which would be the county in non-incorporated areas and the remaining 0.25% is returned to the local transportation fund for the county.

³⁰ Both transient occupancy tax and tourist business improvement district assessment fees can differ in the incorporated cities of the county.

arrive with multiple cars that occupy off-site parking not allowed for vacation rentals, or a celebrating vacation group may host a party and generate a high level of noise. Repeated rentals have the potential to create an ongoing noise or parking problem.

Requirements and Complaint Process

As amended in 2013, the vacation rental ordinance requires all parking for a vacation rental to be entirely on-site.³¹ It further requires all vacation rentals to comply with current noise standards. It defines this complaint escalation process:

1. Every vacation rental must identify a local contact property manager (either the owner or a professional property manager), post the contact information for the manager inside the unit and provide the contact information to the Sheriff. Because this information is posted inside, a neighbor with a complaint has no practical way to obtain the property manager contact information and therefore no way to complain to that person. When a property is first licensed as a vacation rental, the property manager notifies owners of neighboring properties but nothing requires this step ever be repeated unless the property manager changes.³²
2. A complaint can be made to the Sheriff's Department. As required by the ordinance, the county maintains an online listing of the contact for every licensed vacation rental and the Sheriff's dispatcher has access to this information. In practice, the Sheriff's Department only contacts local property managers or county code enforcement when there are patterns of repeated issues. In all cases, the Sheriff's Department will dispatch a person to respond to noise complaints. While the response may not be immediate, the Sheriff's Department says such calls are normally responded to within one hour. A written report is made only if an arrest occurred or citation issued. The dispatcher forwards all parking complaints to the California Highway Patrol since they have jurisdiction over parking in county areas.
3. Finally, a complaint can be made directly to county code enforcement staff during normal business hours. In reality, the county gives precedence to complaints that involve health

³¹ *Coastal Land Use Ordinance 23.08.165i*: "tenants of residential vacation rentals shall not use on-street parking at any time."

³² *Coastal Land Use Ordinance 23.08.165k(1)*

and safety leaving limited staff time to investigate vacation rental complaints. In addition, complaints about parking and noise are most likely to occur during evening and weekend hours when the office is not staffed and cannot respond. In fiscal year 2013-2014, county code enforcement handled only seven cases dealing with vacation rentals. This included both rentals without permits and those out of compliance with standards and conditions.

Number of Complaints

Members of advisory councils relayed anecdotal evidence that suggests vacation rentals do generate parking and noise issues, but the Grand Jury examined three years of county records regarding noise and parking complaints and found the actual number of complaints was under 20 for each of the past three years. Possibly, residents do not report such concerns because they believe they will be ignored. Also, residents might report concerns to the local contact but not to officials, although the Grand Jury interview with a property manager suggested such complaints were uncommon.

CONCERNS ABOUT THE LICENSING STATUS OF VACATION RENTALS

Many interviewees expressed concerns that there are a significant number of unlicensed vacation rentals. Such rentals do not pay required taxes and fees, and potentially contribute to undesired changes in a neighborhood's quality of life while encouraging others to rent their houses illegally. Many interviewees also expressed concerns that some owners obtain vacation rental licenses to prevent any immediately adjacent property from being used as a vacation rental. After obtaining a license, these owners never rent the property. Such behavior could negatively impact the property owner who wants to run an active licensed vacation rental and potentially decrease tax revenue to the county by limiting the number of active rentals beyond the ordinance's intent.

Estimating Unlicensed Rentals

No accurate way exists to determine the number of unlicensed rentals. When the Grand Jury interviewed county and local officials, advisory board members and local residents, all believed that there are a significant number of unlicensed rentals. When offered, estimates ranged from between 20 and 50% of the overall number of licensed rentals. This suggests the potential for as

many as 170 to 425 unlicensed units. When the Grand Jury compared a partial set of online and printed listings for vacation rentals for the Cambria area against the county's list of licensed rentals, it identified at least 25 that appeared to be unlicensed.

The vacation rental ordinance requires any vacation rental advertisement to include its transient occupancy tax license number.³³ However, the Grand Jury found no listings or advertisements that actually included this number. The county takes no proactive steps to enforce the requirement nor does it take any action to identify unlicensed vacation rentals.³⁴ At best, the county's approach to unlicensed vacation rentals can be described as complaint-driven, at worst, as benign neglect.

Only if a local resident complains will the county investigate; however, there is no easy way for neighbors to know if a vacation rental is unlicensed and should be reported. The Grand Jury found significant agreement among those interviewed that few residents understand how the ordinance operates or what they need to do if they have concerns. Unless the county's approach changes and becomes more proactive, a more accurate and detailed accounting toward control of unlicensed rentals will remain elusive.

Financial Implications

The failure of owners to register their property as licensed vacation rentals reduces the amount of taxes and fees collected. To illustrate the potential loss of revenue by an unlicensed rental, consider a vacation rental that rents for \$200 a night and is rented an average of eight nights a month. (This is a low estimate of revenue lost as preferred rentals on the ocean or with ocean views would normally charge more and have higher occupancy rates.) This rental would generate income of \$1600 a month or \$19,200 annually. If registered, the following fees and taxes would flow to the county:

³³ This requirement is found in the *Coastal Land Use Ordinance, 23.08.165(l)*

³⁴ If a complaint is received, the county says it will verify that the vacation rental has a valid business license. If not, staff opens a case and pursues it until the relevant license is in place – or evidence of a vacation rental is deleted from all advertising sites.

TAXES AND FEES

\$ 33	Annual business license renewal ³⁵
192	States sales tax at 7.5% would collect \$1440; \$192 of this is returned to the county
1728	County transient occupancy tax at 9%
384	Tourism business improvement district assessment at 2%
\$2337	<i>TOTAL of local taxes and fees for one unit for one year</i>

Using the rough estimate of as many as 425 unlicensed rentals, the potential annual loss in fees and taxes (using the example just given as an average) could be up to one million dollars.³⁶ In addition, other areas of the unincorporated county likely have unlicensed vacation rentals that increases this potential number. Even a portion of this income could cover county costs of staff to enforce the code.

Enforcement Possibilities

Relatively modest steps could be taken to identify unlicensed vacation rentals. For example, a county code enforcement staff member—or a clerk using a prepared form letter—could audit vacation rental agencies by requesting the transient occupancy tax license number for each unit it advertises. The county could match addresses of licensed vacation rentals with advertised vacation rentals to see which are legal. In addition, the county could, on a random basis, directly follow up with owners using online listings such as VRBO.com, Airbnb or HomeAway.com. Examples exist of other government agencies doing audits of similar requirements. For example, a recent effort began in Morro Bay to verify business licenses for all businesses within that city. The county itself conducts a small random audit of licensed hotels and vacation rentals to ensure compliance with transient occupancy tax collection.

³⁵ Business license fees are intended only as a cost recovery measure and not a major source of revenue.

³⁶ An additional countywide tourism business improvement district is under consideration which would increase this number.

Unused Licensed Vacation Rentals

The county does know the number of licensed vacation rentals that generate no rental revenue. In 2013, of the 667 rentals in Cambria, Cayucos and Avila Beach, 250 (or 37%) of them generated no transient occupancy tax. An additional 67 generated less than \$500 annually. Many reasons might explain why a property was not rented for an entire year: it may be a less desirable property that generates little interest; the owners may be using the property themselves for the majority of the year or special conditions might prompt the owner to remove the unit temporarily from the rental market. However, a vacation rental license continues indefinitely (as long as the business license is renewed) whether or not the property is rented. As a result, an unused license has the effect of locking out nearby properties from obtaining licenses. At least one advisory council recommended that unused licenses have a termination date or conditions set for renewal.

MINOR USE PERMITS

Definition

Owners seeking a vacation rental license who cannot obtain a zoning clearance can apply for a minor use permit. If granted, the minor use permit allows an exemption from the ordinances for that particular property. By design, minor use permits are intended to provide the county with the flexibility to override an ordinance based on special factors.

The Minor Use Permit Process

The application for a minor use permit is submitted to the county's Planning and Building Department (Planning Department). The Planning Department is responsible for applying the county code to specific situations and acting on requests for licenses. Once the Planning Department makes a decision on a request, an appeal can be made. Minor use permits expire 24 months after the issue date if not used.

Minor Use Permits and Vacation Rental Licenses

Since 2012, there have been two minor use permits issued for Cayucos properties, none within Cambria and two just outside Cambria. The situation is different in Avila Beach where 12 minor

use permits have been issued since 2012, and five were issued in 2014. No minor use permit has been denied in any of these areas for vacation rental units.

CONCLUSIONS

San Luis Obispo County abounds with areas popular with tourists. As a result, many property owners list their units as vacation rentals. To ensure that such rentals are both licensed and fit in with the overall quality of life in their respective neighborhoods, the Board enacted ordinances to regulate vacation rentals and to set taxes and fees associated with their operation. However, many aspects of those ordinances are not being effectively enforced. Still other elements of the ordinances could be improved with simple adjustments. In addition, because the county does not ensure vacation rentals are licensed, it is losing tax revenue. Such revenues are likely sufficient to pay not only for enforcement activities but also generate additional revenue for the county general fund.

There is also a question of fairness. Current practices allow some owners to avoid following regulations, while others fully follow the law. Lax enforcement encourages more people to ignore the code. Given the importance of tourism to the county's economy, the Grand Jury believes better oversight of vacation rentals is a goal the county should pursue.

FINDINGS

F1. The county has adopted and subsequently updated a vacation rental ordinance in Avila Beach, Cambria and Cayucos intended to maintain community quality of life and ensure consistency in vacation rental policy.

F2. The number of licensed vacation rentals in these areas of the county is growing.

F3. Many residents are unaware of the provisions of the ordinance dealing with the licensing and management of vacation rentals.

F4. The county has placed a low priority on enforcing provisions of the ordinance dealing with the licensing and management of vacation rentals.

F5. While the county has a process to respond to parking and noise issues connected with vacation rentals when they are brought to the attention of the Sheriff, California Highway Patrol or Planning Department, residents have no effective way to identify the property manager who is supposed to be the first level of contact for such complaints.

F6. The county has no proactive programs to identify unlicensed vacation rentals even though officials believe the number may be significant.

F7. Although the county can identify those homeowners whose transient occupancy tax certificate generates little or no revenue, the county has no policy that limits the renewal of such certificates and associated business licenses.

F8. There is no termination process for inactive or unused vacation rental licenses.

F9. The county loses revenue when property owners or managers operate unlicensed vacation rentals and do not pay relevant taxes and fees.

F10. The county loses revenue when individuals obtain transient occupancy tax certificates and then do not use them since this effectively blocks others from obtaining such certificates and using them.

F11. Increased enforcement of vacation rental license compliance and associated tax and fee revenue collection would generate funds to cover the costs of such activity.

F12. The Planning Department and the Office of the Auditor, Controller, Treasurer and Tax Collector (Tax Collector) do not coordinate with one another on issues of unlicensed vacation rentals or with licensed vacation rentals which pay little or no transient occupancy taxes.

RECOMMENDATIONS

R1. The Board of Supervisors should provide direction and funding to place higher priority on enforcing coastal vacation rental regulations.

R2. To better support the complaint process, the county should implement a way for residents to identify the appropriate property manager for a vacation rental. This could be to require an annual notification to neighbors by the property manager or having the county maintain a public online listing of vacation rental contacts.

R3. The Tax Collector should set a minimum level of revenue to be generated over a set time period (e.g., 2 to 3 years) in order to retain a transient occupancy tax certificate.

R4. The Tax Collector and the Planning Department should develop and implement a process to deal with the issues of unlicensed vacation rentals and unused or minimally used transient occupancy tax certificates.

R5. The Planning Department should enforce the requirement to list transient occupancy tax certificate numbers on advertised vacation rental listings.

R6. The Planning Department should create and post on its website a list of licensed vacation rentals by address so concerned individuals can confirm whether a given property is a licensed vacation rental.

R7. The Planning Department should determine and fund a way to monitor whether advertised vacation rentals are properly licensed, thus ensuring collection of related taxes and fees, which can more than cover these costs.

REQUIRED RESPONSES

The San Luis Obispo County Board of Supervisors is required to respond to Findings 1-12 and Recommendations 1-7.

The San Luis Obispo County Department of Planning and Building is required to respond to Findings 1-3, 5-6, and 11; and Recommendations 2 and 4-7.

The San Luis Obispo County Office of the Auditor, Controller, Treasurer and Tax Collector is required to respond to Findings 6-12 and Recommendations 3 and 4.

The responses shall be submitted to the presiding judge of the San Luis Obispo County Superior Court. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

Presiding Judge	Grand Jury
Presiding Judge Dodie Harman Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910 GrandJury@co.slo.ca.us

WE ARE WAITING: ACCESS TO COUNTY-PROVIDED MENTAL HEALTH SERVICES

INTRODUCTION

A San Luis Obispo County resident has been feeling very tired and withdrawn. He does some research and is concerned enough about his mental well-being that he goes to the county Mental Health Services website for information about services it offers. He notices two different numbers for the hotlines; he is confused but calls one. A trained individual answers the call and through questioning confirms the caller does not have suicidal thoughts nor is an immediate risk to himself or others. Rather the individual, a married father, says that in the past he was always a hard worker who thrived amongst his peers. Lately, he has been very tired to the point of not wanting to get out of bed in the morning. When he arrives at work, he has trouble concentrating. He is imminently concerned about losing his job, as he is often irritable to his coworkers, and has started to use sick days frequently. His wife has commented on his changed demeanor, and he has abruptly begun avoiding conversations with her. He also worries about being able to continue to care for his family.

If the call were placed to the first number on the county's website (1-800-838-1381) during regular business hours, the therapist handling the call would be a county employee and could schedule an appointment for an assessment since this would most likely be viewed as a non-crisis situation. However if the call were made during off-hours or to the other number listed (1-800-783-0607), the individual would be given a phone number to contact the county directly to schedule the appointment. Although a troubled person might not take this second step, this individual does call the county the next day. His appointment is scheduled four weeks out, which is about the average wait time. During this span of time, the county does not contact him to see if his condition has worsened or improved, or to confirm his intent to attend the appointment. Until the assessment, he is left to cope with his condition on his own and the county is unaware of his status. After the assessment is completed, his case is assigned to a county clinic. He may wait up to 14 more days for this clinic appointment to receive a diagnosis and treatment. Six weeks have passed since the initial call to the hotline; is his condition improving or worsening?

In the above scenario, if the caller had stated that things would be easier for his family if he weren't around or made a direct threat of suicide, the trained operator would consider this a crisis situation. In such a case, the timetable for scheduling service would be much faster. If the operator believes the situation has escalated and that immediate assistance is necessary, the Mobile Crisis Unit, a local nonprofit, would be called so that a trained therapist could establish face-to-face contact with the caller. Over the course of one to two hours, the therapist would first try to minimize the current crisis and then assess the patient. If successfully de-escalated, an appointment with a county clinic would be set up for the individual which could be as much as 14 days later depending on the severity of his condition. The Mobile Crisis Unit would follow up with the individual within 24 to 48 hours to monitor his or her progress. After this follow-up the individual is not contacted again to confirm the appointment at the clinic.

If the Mobile Crisis Unit cannot minimize the crisis, the original caller might be taken to the Psychiatric Health Facility in San Luis Obispo for inpatient care. Admittance can be voluntary or involuntary, and the typical length of stay is about five days. Upon release from the facility, an appointment would be scheduled for continuing care.

The above scenarios illustrate what a citizen who qualifies³⁷ for county services might encounter on his or her quest to obtain help. This report goes into greater detail regarding access for mental health services available to such an individual.

ORIGIN

A concerned citizen notified the 2014-2015 San Luis Obispo County Grand Jury (Grand Jury) of a perceived lack of access to services offered by the county for a specific adult individual with major behavioral and mental health issues. As this focused on a specific individual with the potential need to obtain substantial personal and medical information, the Grand Jury decided to broaden the scope beyond the complaint. The Grand Jury was also aware of media coverage

³⁷ "Medi-Cal coverage includes low-income adults, families with children, seniors, persons with disabilities, children in foster care as well as former foster youth up to age 26, and pregnant women." www.coveredca.com/medi-cal. In the county, 11.9% of adults is Medi-Cal population.
<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/4455/QXR0YWNobWVudCAxMi5wZGY=/12/n/41429.doc>

regarding the lack of mental health services and a possible causal link to recent tragic events, such as the Isla Vista murders in Santa Barbara County. The Grand Jury took these concerns and decided to investigate what mental health services are available and the access to them for an adult in San Luis Obispo County.

AUTHORITY

California Penal Code section 925 authorizes the Grand Jury to investigate and report on the operations, accounts and records of a county officer, department or function.

PROCEDURE

The County Committee of the Grand Jury interviewed senior administrators within the county Health Agency, including the Behavioral Health Department and the Managed Care Team. To better understand the services offered by the county, managers of nonprofits that contract with the county to provide mental health services were also interviewed.

The Grand Jury reviewed websites of county, state and national agencies, organizational charts, agendas, minutes, budgets and other data relating to mental health services provided by the Behavioral Health Department.

BACKGROUND

The San Luis Obispo County Health Agency (Health Agency) is tasked with many functions. These include healthcare, food and water safety, animal services, drug and alcohol services and mental health services. Within the Health Agency, the Behavioral Health Department (Department) “works in collaboration with the community to provide services necessary to improve and maintain the health and safety of individuals and families affected by mental illness and/or substance abuse.”³⁸ The budget for the Department for the 2014-2015 fiscal year (FY) is approximately \$55.3 million. The majority of the funding is from Medi-Cal reimbursements and

³⁸ Department’s Mission Statement. County of San Luis Obispo Fiscal Year 2014-15 Final Budget, page C-127.

state funding from Mental Health Services Act (MHSA) tax and sales tax. For the current FY, the county allotted \$7.27 million from the general fund to support the remainder of the Department's budget.

NARRATIVE

Since services relating to mental health cover a broad range, the Grand Jury focused this investigation on an adult's ability to obtain initial services for a mental health issue within the county. A mental illness regularly disrupts a person's thinking, feelings, mood, ability to relate to others and function.³⁹ It should be noted that a behavioral health issue such as addiction does not preclude an adult, otherwise eligible, from receiving services for a mental health issue, but it can make the diagnosis and treatment of the underlying mental health issue difficult.

OUTREACH

The services provided by the county for mental health are primarily for Medi-Cal beneficiaries who have a medical necessity due to a functional impairment.⁴⁰ The services offered by the county are provided as a safety net. The outreach consists primarily of placement of brochures at facilities where those in most need may see them (schools, nonprofits, clinics), billboards along traffic corridors listing the hotline phone number or website, and the website itself.

INITIAL ACCESS

The main access points are the county's website listing the hotline numbers, walk-in clinics in various parts of the county, law enforcement and emergency room referrals. Other access points include nonprofit organizations such as CAPSLO, Family Care Network, Transitions Mental Health, local schools and colleges, and local medical provider Community Health Centers.

Two Hotlines

³⁹ <http://www.nami.org/Learn-More/Mental-Health-Conditions>.

⁴⁰ The federal government contracts the state for medical services, known as Medi-Cal. The county contracts with the state to provide the services, similar to a medical-managed care plan for recipients of Medi-Cal. While individuals with private insurance are not the customary population for the Department's services, the Department will try to find and refer services for residents seeking assistance and third party insurance will be billed if available.

The following is a partial screenshot of the county's mental health services homepage. It lists two emergency phone numbers, one for accessing services or for immediate help, the other for suicide or emotional and mental health support. The latter number is also repeated as a source for non-emergencies such as assistance in finding community resources. Both these numbers are answered by a person 24 hours every day.

The primary focus of the trained individual answering the calls for either hotline is to determine whether there is a mental health emergency, crisis or non-crisis situation. A mental health emergency is defined: "an individual is imminently threatening harm to self or others, severely disoriented or out of touch

with reality, has a severe inability to function such as suicidal thoughts, or is otherwise distraught or out of control."⁴¹ The hotline operator typically transfers these calls to 911. A crisis "is a non-life threatening situation in which an individual is exhibiting extreme emotional disturbance or behavioral stress, considering harm to others or self, disoriented ...or unable to be calmed."⁴² The caller will either self-identify as being in a crisis, such as having suicidal thoughts, or questioning by the hotline staff will lead to such a determination and what level of response is appropriate. It should be considered that the county, as well as other mental health service providers, are required to provide treatment at the least restrictive level of care.⁴³ Resolutions of crisis hotline calls include calling and sending the Mobile Crisis Unit, calling 911 if some other emergency support is needed, or if the situation has sufficiently de-escalated, scheduling or referring the individual for an assessment.

Mental Health Services Printer Version

WELCOME TO MENTAL HEALTH SERVICES
We offer mental health treatment services for our county's youth, adults, and senior citizens and help with family, personal, or psychiatric issues. We have clinics located in the North County, South County, and in San Luis Obispo.

**To Access Mental Health Services,
Or For Immediate Help,
Such As Mobile Crisis Services, Call**
1-800-838-1381
(24 Hours/7 Days A Week)

Suicide Hotline
1-800-783-0607
SLO Hotline Is A Suicide Prevention And Mental Health
Crisis Line Staffed 24 Hours A Day, Seven Days A Week.
You Can Also Call For Emotional And Mental Health
Support For Yourself Or Someone Else.

For Non-Emergencies:
When you want to talk with someone for emotional support or need help finding community resources, call the trained volunteers at [SLO Hotline](tel:1-800-783-0607)⁴¹:
1-800-783-0607

WHEN YOU CALL TO APPLY FOR MENTAL HEALTH SERVICES, YOUR NEEDS MAY BE ADDRESSED IN A NUMBER OF WAYS:

- Mental Health Services will provide you with the information you need.
- If it is determined that there is an urgent need, Mental Health will provide crisis services.
- You will be scheduled for an assessment to determine if mental health services are appropriate and you qualify for mental health services.
- If your condition meets the criteria for treatment, you will be referred for mental health services provided by a County treatment program or a private provider under contract with the County.
- If you do not meet the criteria for treatment, you will be referred to other appropriate service providers or facilities.

⁴¹ http://www.slocounty.ca.gov/health/mentalhealthservices/Mental_Health_Emergency_or_Crisis.htm. Examples include suicidal or homicidal thoughts, self-injury, severe drug or alcohol impairment, highly erratic or unusual behavior.

⁴² http://www.slocounty.ca.gov/health/mentalhealthservices/Mental_Health_Emergency_or_Crisis.htm.

⁴³ Refers to intensity of treatment with education and prevention being the least intensive and inpatient care the most.

Other types of calls received by both hotlines include seeking mental health assistance for the caller or someone they know, and the exchange of general mental health information. These types of calls may be sufficiently resolved by the hotline staff, thus needing no further action.

The Health Agency Hotline

The Health Agency hotline (1-800-838-1381) is staffed by the Department during regular business hours. Four licensed therapists of the Managed Care Unit answer these calls in shifts. The therapists are trained to identify pertinent details of the situation and do not use a script. These individuals are also responsible for conducting the in-person assessments which can be scheduled at the time of the call. For FY 2013-2014, there was an average of 205 calls per month to this phone line. The county anticipates that this number could rise due to new enrollees in Medi-Cal under the Affordable Care Act (ACA); in October 2014, there was a 12% increase from the prior year. After regular business hours the calls to the Health Agency hotline automatically roll to the nonprofit hotline operators and the response is more limited as noted below.

Transitions Mental Health Association Hotline's Limitation

The other number listed (1-800-783-0607) is operated by the nonprofit Transitions Mental Health Association (TMHA). TMHA contracts with the county to provide support for housing (homeless outreach), employment (placement services), family (advocacy and support groups) and community services (hotline). These calls are answered primarily by volunteers, with some backup by TMHA employees. The volunteer staff receives 40 hours of training and follows a detailed script book when questioning the caller. The script book is approved by an accrediting agency.

If it is established that the caller needs an appointment for an assessment, the TMHA hotline responders tell the caller to contact the county to set up an appointment. The main reason that TMHA cannot directly schedule the appointment with the county is the Health Insurance Portability and Accountability Act (HIPAA). One of the goals of HIPAA is to protect the confidentiality and security of a patient's healthcare information. In this situation, the county must consider the confidentiality of its patients' health information.

Other Access Points

The primary walk-in clinics for mental health services are located in Arroyo Grande, Atascadero and San Luis Obispo. The availability of immediate services is dependent on patient load. An advantage provided by the clinics is that the patient is on-site and has in-person contact with county staff. Also, if the individual is able to see a therapist or other professional that day, the risk of not keeping an appointment is reduced. The county also operates clinics in Paso Robles, Grover Beach, San Luis Obispo and Morro Bay that are primarily drug and alcohol centers but are also certified to provide mental health services.

The Department can be contacted by law enforcement, such as the county jail, various municipal police departments or sheriff's deputies. The Mobile Crisis Unit provides services in the field for such calls.

Emergency room or other medical professional referrals are usually due to suicide attempts or overdose situations. In these situations, medical professionals or hospital social workers typically call the county Psychiatric Health Facility (PHF) and the Mobile Crisis Unit responds.

MOBILE CRISIS UNIT

The county has contracted with the nonprofit Mobile Crisis Center, which operates the Mobile Crisis Unit, to provide mental health crisis intervention. The organization provides 24 hours per day face-to-face mobile crisis response. These contacts can be anywhere within the county, and can occur in a home, hospital, school, law enforcement agency, county clinics or anywhere else that a client might require its services. Approximately 70% of its cases are referrals from emergency rooms.

The Mobile Crisis Unit has a staff of 12 licensed therapists, including a full-time psychiatric nurse. Each must have at least two years of direct mental health experience. Two therapists are on-call at all times, and typically one person drives directly to the location of the client. The goal of the Mobile Crisis Unit is to provide immediate access to services and develop a positive initial relationship with the client.

Upon making contact with the client, the therapist makes an initial assessment that can take up to 45 minutes. The therapist determines whether outpatient care will be sufficient and if so, then an appointment will be set up at one of the county clinics. If the client needs inpatient care at the county's PHF, the Mobile Crisis Unit can transport the individual to the facility. The goal is for the client to enter such treatment voluntarily, possibly with coaching from the crisis team. If that is not possible, the Mobile Crisis Unit can apply for a 5150 involuntary hold⁴⁴ which is a fairly immediate process. After the initial contact, the crisis team follows-up on all patients that are not admitted for in-patient care, usually within 48 hours. If an appointment is made for the client for further services with the county, it is the client's responsibility to keep it.

The response and care provided by the Mobile Crisis Unit was stated to be very important and thorough by those interviewed. For FY 2013-2014, the crisis team had 1669 contacts, with 994 (60%) of these treated without requiring psychiatric hospitalization. Since the county is required to provide treatment at the least restrictive level, each emergency resolved without hospitalization is viewed as a positive outcome.

The county has contracted these services with the Mobile Crisis Unit since 1983. The current contract is for one year that began July 1, 2014. The Department recently posted a Request for Proposal, which is a solicitation for bids from interested organizations, for these contracted services.

PSYCHIATRIC HEALTH FACILITY

The PHF is an inpatient unit where individuals can be admitted for evaluation voluntarily, or involuntarily through a 5150 hold from a hospital, the jail or Mobile Crisis Unit. It is located in San Luis Obispo with a juvenile facility physically connected to the adult facility. Access for juvenile patients to the PHF is gained through a separate gated entrance. The juvenile must then be routed through the dining area of the facility which has been cleared of adult patients. Psychiatric staff is shared between the adult and juvenile facilities.⁴⁵ Since psychiatric

⁴⁴ *Cal. Welfare and Institutions Code §5150* allows a qualified individual to place a client on an involuntary psychiatric hold for up to 72 hours.

⁴⁵ Juvenile patients require staffing ratio of 1:1. This prevents further sharing of staffing resources between the two facilities.

hospitalization is the highest level of care and most restrictive on personal rights, it is limited to situations where individuals are determined to be a danger to self or others or are gravely disabled due to a mental disorder. It is meant to stabilize the current acute episode, often through medication, social work and therapy. During FY 2013-2014 the PHF admitted 1248 patients.

The length of stay can be until the patient no longer meets the requirements for inpatient stay, usually three to five days with the average being 4.3 days for FY 2013-2014. Upon release from the PHF, a follow-up appointment within 7 days is scheduled at a county clinic; a majority of the patients become outpatient clients of the county. The readmission rate for the PHF for FY 2013-2014 was 10%, which was consistent with rates of readmission in Santa Barbara and Monterey Counties.

The PHF has a defined capacity of 16 adults with the average occupancy being 15 individuals. If the county is over-capacity at the PHF, the county must file an Unusual Occurrence Report and a Plan of Correction (POC) with the state. The POC must be approved by the state or the state can take further action, up to revocation of the operating license. To avoid such notification if at capacity, the county would need to discharge or transfer an individual before admitting another.⁴⁶ Currently the county requires patients to remain either at the ER or with the Mobile Crisis Unit (which may involve being in a car with a therapist in the parking lot) until a bed is available.

Since there is no medical facility within the county that provides these services for an individual with private insurance or Medicare, the county refers them to hospitals in Kern or Ventura Counties to receive the appropriate level of care. The county also uses out-of-county hospitals for patients who are medically fragile, such as non-ambulatory, since the PHF can only serve individuals who have an outpatient level of physical health.⁴⁷

⁴⁶ The county stated this is rare, occurring approximately three times per year.

⁴⁷ Approximately 350 individuals are transferred annually from the PHF to a facility outside the county. This includes those needing higher level of medical care than provided by the PHF, longer-term psychiatric care than the five-day stay, and Medicare and private insurance beneficiaries. A majority are adolescents who might receive better treatment resources than provided at the PHF.

New Programs to Alleviate Census Pressures on the PHF

The Department is not presently planning to develop more capacity since the level of care provided is costly, approximately \$1500 per patient per day. Full reimbursement of this expense is not provided by the state through Medi-Cal and there is no reimbursement if the patient has Medicare or private insurance. Due to this, the county is exploring programs that could alleviate pressures on the PHF while also delivering cost savings to the Department.

One of these new programs is the Crisis Resolution Team the county initiated in 2014 using MHSA funds. The program seeks to briefly delay or avoid a transfer to the PHF as it might not be the best solution for the patient and could overburden the PHF, thus triggering notification to the state. This pilot program is with French and Sierra Vista Hospitals. The intent of the program is to hold the patient at the hospital until an appropriate transfer can be made either to the PHF (if not at capacity), an out-of-county hospital or some other community solution to ensure the patient's safety. Also, it plans to better educate the responsible attending individuals⁴⁸ about the appropriate use of a 5150 hold, detox or jail, so as to not routinely transfer the patient out of the hospital.

Some counties⁴⁹ in the state have added a Crisis Stabilization Unit to bridge the gap between the relatively short intervention of the Mobile Crisis Unit and the inpatient hospitalization of the PHF. This unit provides outpatient services for adults with severe mental or behavioral illness in a crisis with the goal of stabilizing the patient on-site, thus avoiding psychiatric in-patient care. It is available for an individual up to 23 hours and provides an evaluation, food, shelter, an opportunity to sleep, collaboration on developing a plan, and possibly medications. These units are often available regardless of the level of the severity of illness and the insurance status of the patient. Such a unit would require staffing 24 hours per day. The county did not receive grant funds from the state for this project in 2014 but is seeking such within two years. The estimated cost of this unit is approximately \$900,000 to \$1,000,000 per year with limited Medi-Cal reimbursement. This program could increase the county's options to offer services at the least restrictive level.

⁴⁸ This includes E.R. staff such as doctors and hospital social workers.

⁴⁹ http://www.dhcs.ca.gov/provgovpart/Documents/LPS-Outpatient_CSU_02122015.pdf. This includes Santa Cruz, Merced, Fresno, Marin and Sonoma Counties.

ASSESSMENTS/FOLLOW-UPS

After the initial contact, the patient can schedule an assessment that is conducted by a licensed therapist. The assessment is standardized and uses factors such as a patient's health history, mental orientation, drug history, risks and safety concerns. The assessment with the patient takes approximately two hours and results in a diagnosis. After the assessment, the therapist prepares a report with initial recommendations. The case is assigned to Department staff and information is shared with the clinic site.

The state has no defined standards for the time period for gaining access for mental health services, but the county has a target of 14 days from initial contact to assessment for non-crisis situations. The actual time for an adult in the county is currently between 18 and 45 days, with the average being 26.9 days for the current FY through February 2015. Additionally, the wait for an appointment for treatment after the assessment can be up to 14 days. However, the level of severity of the mental health issue can shorten this waiting period.

Once the appointment for the assessment is established, there is no further outreach by the county to the client. Of the adult clients who contact the county and are initially deemed non-crisis, 25-33%⁵⁰ do not appear for their assessment or subsequent appointments. If a client misses several appointments, the individual might revert to the beginning of the intake process.

The Department attributes much of the delay to a shortage of qualified licensed professionals, such as therapists, psychiatrists and psychiatric nurse practitioners willing to work within the county's pay structure. This shortage also means that clients will not consistently be seen by the same professional throughout their ongoing treatment. Psychiatrists, who provide psychiatric assessments and medication management to the severely mentally ill or emotionally disturbed, are particularly hard to recruit. The county has to compete with Atascadero State Hospital and California Men's Colony which pay more. The San Luis Obispo County Board of Supervisors approved an increase in salary for county psychiatrists as a means to competitively recruit and retain qualified professionals. This assisted with the hiring of two full-time psychiatrists. Since

⁵⁰ Rate fluctuates by season with summer having the highest rate of no-shows.

bonuses are not permissible, county human resources is considering other recruiting tools such as student loan assumption or repayment programs⁵¹.

The county also has contracts with agencies to fill vacancies by providing temporary psychiatric professional placement. The Board of Supervisors approved renewals with the agencies for such personnel in June 2014 for 63% less than the prior year's authorization due to the successful recruitment of the two psychiatrists. The Department is also looking at alternatives that will aid the psychiatric staff such as hiring more nurse practitioners and exploring options of telepsychiatry⁵² and pooling resources with other counties.

CONCLUSIONS

The Behavioral Health Department has the responsibility to provide mental and behavioral health services in San Luis Obispo County. All people interviewed, especially those in their positions for a long period of time, believe the county has instituted best practices and is very good at providing mental health services. These same individuals also recognize mental health services in the county could be improved. One of the challenges facing this county is the geographic distances that individuals may travel to provide or receive treatment. This especially impacts a department with a limited therapeutic staff.

The Grand Jury found two hotlines to be problematic as the county website lists both. The description of which number to call is duplicative and interchangeable, and therefore confusing. The Grand Jury is unsure of the reason for listing the two hotlines on the county website, nor why one hotline could not be staffed in conjunction with the county and TMHA. Also, the fact the team at TMHA which receives the call cannot set an appointment seems to be a lost opportunity to help someone who may need it. While recognizing the importance of a patient's medical records' confidentiality, the county could investigate whether there were a system that would allow TMHA volunteers to schedule an appointment with the county, or at least place the burden on the county to contact the individual to schedule such an appointment.

⁵¹ These are state and federal programs available for designated medical shortage areas. The county is reapplying for this status.

⁵² Delivery of psychiatric assessment through telecommunications equipment, such as videoconferencing.

The wait time for an assessment or further appointment was cited by the Department as the most concerning statistic, and local nonprofits were not surprised by the length of these delays. The Grand Jury is concerned that someone deemed to not be in a crisis or brought down from a crisis on day zero might not have an assessment for the underlying problem for up to 45 days, and then may wait an additional 14 days for a follow-up appointment for care. Within those 60 days a person's condition could escalate to a major mental health event leaving the county responsible to provide a potentially higher level of care. In a document submitted to the Board of Supervisors, the Department acknowledged "[i]ncreased wait time for psychiatric assessments and proper treatment increases risk of adverse outcomes⁵³". Even though the state does not have a defined standard for this wait time, the county should meet its target goal of 14 days.

Since the delays are due to caseloads, the county will need more professional staff to adequately handle new and on-going clients. If recruiting and retaining psychiatrists remains difficult, the county should expand the use of psychiatric nurse practitioners, or physician's assistants if appropriate, to alleviate the burden. Another option that can aid the county's staff is evolving technology, such as the use of telepsychiatry. The higher pay rate for psychiatrists approved by the Board of Supervisors should assist with retaining qualified professionals. Since many of the management staff within the Department are licensed therapists, these individuals should absorb some caseload by handling a few cases when the therapeutic staff is overly burdened. This would also expose management to the current demands experienced by its therapeutic staff in the field.

The Grand Jury emphasizes the importance of the PHF and accepts the consensus that the capacity of the PHF is adequate at 16 beds. However, the Grand Jury is concerned about the burden on this facility as the county's population continues to grow. The county should explore whether to continue to use the PHF for both adult and juvenile populations. Since the Department does not want to exceed the census of the PHF, a Crisis Stabilization Unit might alleviate some of the burden on the PHF. With the expense of inpatient care, such a facility might provide cost savings to the county by diverting inpatient care.

⁵³ Addendum to Item 14, SLO Board of Supervisors Agenda June 17, 2014.

FINDINGS

F1. The county website lists two different toll-free phone numbers for the county mental health hotline with no clear differentiation of the services offered. Both are available 24 hours every day.

F2. One hotline number is operated by Department employees during business hours who can schedule appointments for an assessment. After regular hours, this hotline automatically transfers to Transitions Mental Health Association.

F3. The second hotline number is operated by Transitions Mental Health Association volunteers. While this staff is trained to handle mental health issues, such as suicide, the volunteers are unable to schedule appointments for an assessment due to medical records privacy concerns.

F4. The Mobile Crisis Unit is a substantial safety net with great responsibility since it serves the entire county and establishes the initial face-to-face contact by a licensed mental health professional for those in crisis.

F5. The 16-person capacity Psychiatric Health Facility is the only facility in the county for in-patient psychiatric treatment with an average census of 15 patients that stay for an average of 4.3 days. The county has no plan to increase capacity.

F6. If the Psychiatric Health Facility is above capacity, the state is notified and the county must file a Plan of Correction. This must be approved by the state or the state can take corrective action, up to revocation of the operating license.

F7. The Psychiatric Health Facility also houses juveniles who enter the facility through a separate entrance, walk through the common area that has been cleared of adult patients, and receive care separately from the adult population.

F8. A Crisis Stabilization Unit can temporarily shelter an individual in crisis up to 23 hours which is often sufficient time to prevent a more severe crisis, potentially alleviating some burden on the Psychiatric Health Facility.

F9. After initial contact, the time to receive an assessment can be up to 45 days, with the average being 26.9 days. This exceeds the county's target of 14 days by nearly 100%.

F10. There is an approximate 30% failure to appear rate for scheduled appointments. There is no procedure to ensure clients follow through on their intended appointment, such as call reminders, personal contact or inquiry into availability of transportation.

F11. It is challenging for the county and local nonprofits to find sufficiently qualified individuals to staff various licensed positions for mental health services.

RECOMMENDATIONS

R1. List one toll-free number for hotline access to all mental health services on the county website.

R2. Establish a system to allow both the county and Transitions Mental Health Association staff and volunteers to schedule appointments while maintaining HIPAA confidentiality requirements.

R3. If a solution is not developed to allow Transitions Mental Health Association's volunteers to make the appointment, the county should contact the caller within the next business day to schedule.

R4. Reconfigure the juvenile entrance to the PHF so that adult patients do not need to be cleared when a juvenile is admitted. Alternatively, separate the juvenile population to a separate site away from the adult population of the PHF.

R5. A Crisis Stabilization Unit should be established to handle those in crisis for up to 23 hours, which could alleviate some of the capacity pressure at the PHF and save the county money if diversion from the PHF is achieved.

R6. To decrease wait time for patients and potentially handle greater caseloads, the county should increase psychiatric support staff, such as psychiatric nurse practitioners, physician assistants and therapists.

R7. If psychiatric positions continue to be difficult to staff, the county should implement options to improve recruitment such as student loan repayment programs and use of telepsychiatry.

R8. The county, whether by clinic staff, interns, temporary or part-time employees, should institute contact with those clients awaiting appointments to decrease the number of no-shows who prevent the scheduling of another client. This could also determine if the severity of the individual's condition has improved/stabilized/worsened and if the client has transportation.

REQUIRED RESPONSES

The San Luis Obispo County Health Agency shall respond to Findings 1-11 and Recommendations 1-8.

The San Luis Obispo County Board of Supervisors shall respond to Findings 1- 11 and Recommendations 1-8.

The responses shall be submitted to the presiding judge of the San Luis Obispo County Superior Court. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

Presiding Judge	Grand Jury
Presiding Judge Dodie Harman Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910 GrandJury@co.slo.ca.us

SAN LUIS OBISPO COUNTY JUVENILE HALL, JAIL AND ALLIED AGENCIES INSPECTION REPORT

INTRODUCTION

The 2014-2015 San Luis Obispo County Grand Jury (Grand Jury) conducted an inquiry into the conditions and management of the County Jail (Jail), Honor Farms, Crime Lab and Property Storage, Coroner's Office, Juvenile Hall, and the county's and cities' temporary holding cells.

As background the 2013-2014 San Luis Obispo County Grand Jury's report titled "County Jail, Juvenile Hall and Holding Cells: Inspection and Information Report"⁵⁴ provided a description of the primary causes of jail overcrowding and actions being pursued to provide relief. It also provided detailed descriptions of the Jail, Honor Farms and Juvenile Hall operations, staffing, procedures including intake process, inmate classification, inmate access to programs and other services at these facilities.

By intent this report by the Grand Jury does not repeat information found in prior reports, but rather reflects its investigation into the current status of conditions at each facility and its inquiry into additional potential impacts on overcrowding. It also describes the results of this Grand Jury's inquiry into the operation of allied facilities of the Sheriff's Department of which the Grand Jury has a finding and a recommendation.

AUTHORITY

California Penal Code section 919(b) mandates "The grand jury shall inquire into the conditions and management of the public prisons within the county."

⁵⁴ The reader is encouraged to read this and other grand jury reports available on the internet at: www.slocourts.net/grand_jury/Reports.

METHOD

The Grand Jury conducted a series of visits to each of these facilities in September and October 2014. This report is based on jurors' observations, interviews and discussions with correctional deputies and other personnel at Juvenile Hall and the Sheriff's Department.

NARRATIVE

The Grand Jury found all places of incarceration to be well managed providing for both the health and safety of inmates and the safety of all personnel. The Grand Jury also found the allied services of the Crime Lab and Property Room, Coroner's Office and all holding cells to be well managed and effective.

JAIL AND HONOR FARM

With respect to the Jail and Honor Farm the Grand Jury found only three areas needing comments:

First, AB 109⁵⁵ – Current Impact on Living Space

Growth⁵⁶ in Jail population due to *AB 109* continues. This results in both an increase in custody staffing funded through this bill and considerable re-organization of existing space to create more bed capacity. More bed capacity was created by:

- Relocating the Women's Honor Farm to a separate and larger facility
- Modifying housing criteria at the Men's and Women's Honor Farms to allow more inmates
- Adding extra beds to every housing area
- Expanding capacity using alternative custody methods such as home detention with ankle bracelets
- Accelerating releases of inmates as authorized by state law

⁵⁵ *Assembly Bill 109*, widely known as "public safety realignment" effective October 1, 2011, resulted from a ruling by the United States Supreme Court requiring California to reduce overcrowding in the state prison system. In response, the state legislature requires that individuals sentenced to non-serious, non-violent or non-felony sex offenses will serve their sentences in county jails instead of state prison.

⁵⁶ The Jail population has increased 57% between 2010 and 2014. It is estimated that 30%-35% of the Jail population at any given time are *AB 109* offenders.

These steps have allowed the Sheriff's Department Custody Division to manage the growing inmate population while they eagerly await the completion of the Women's Jail that will provide expanded bed and inmate programs space.

Based on its inquiry, the Grand Jury observed the environment of the Jail has changed. As more inmates serve their sentences locally in lieu of state prison, there is limited physical space and an increase in assaults, violence and gang politics. With present staffing and insufficient classroom space, the Jail is not able to support more education and rehabilitation programs at this time. In an attempt to reduce recidivism, the Sheriff's Department is focusing on efforts to provide classes that meet inmate population needs for reintroduction into society.

Second, Proposition 47⁵⁷ – Current Impact on Jail Population

The potential impact of *Proposition 47* on the Jail and the communities within the county has not been fully determined. As recently as April 2015 the Sheriff's Department told the Grand Jury they will not have an accurate accounting for the impact of this proposition for at least one to two years. The Sheriff's Department observed it took over three years to fully realize the impact of *AB 109* on the management of the jail.

Third, Changes in Jail Inmate Composition and the Impact on Contraband Control

In response to questions about contraband the Sheriff's Department told the Grand Jury that much of it is the same and has not changed drastically since the implementation of *AB 109*. What has changed is the expertise with which contraband is smuggled into the facility and the success rate has gone up due to the sophistication of the inmates. Many of the *AB 109* inmates have done previous time in the state prison system and are much more educated in these tactics compared to non-*AB 109* Jail inmates. Inmates with previous state time are now educating other inmates. Another factor impacting the contraband coming into the facility since *AB 109* is the length of incarceration. Previous to *AB 109* the longest sentence was one year. With inmates serving much longer sentences they have an increased incentive to smuggle narcotics or other contraband into the Jail.

⁵⁷ Voter initiative *Proposition 47*, effective November 5, 2014, redefined some non-violent offenses such as drug and property offenses from felonies to misdemeanors. This measure is also referred to as the *Safe Neighborhoods and Schools Act*.

The Grand Jury was especially interested in the Jail's control of smuggled cell phones. Ironically the Jail has little problem with cell phones as contraband. Concern mainly focuses around the Honor Farm where cell phones can more easily be dropped off and accessed by the inmates while they are outside working. Even there the cell phone smuggling is not a major problem.

Deputies perform several steps to identify and confiscate contraband in an attempt to prevent its entry into the Jail. Two changes since last year are:

- The recently purchased electronic body scanner is used in screening inmates who are going to be housed at the Jail.
- The recently acquired Custody Canine Team assists in random drug searches both inside and outside the Jail facility. The canine is trained and certified in the detection of cocaine, methamphetamine, heroin, opium and marijuana odors.

JUVENILE HALL

The Probation Department is overseeing the expansion and modernization of Juvenile Hall as a three-phase improvement program. The last phase began in November 2014 to include a new wing to house 20 additional youths, classrooms, full gym/multi-purpose room, lockers and offices for staff and is scheduled for completion in 2015.

The Grand Jury inspected Juvenile Hall and found it to be operated and staffed by highly qualified professionals at all levels. The cells, bathrooms, showers, classroom areas and the exercise yard were all clean and well maintained. Programs to reduce recidivism are provided and well-received. Effectiveness of some programs is affected by short duration sentences with youth being released before the completion of the program.

There are grievances, frivolous or bona fide, filed by youths. All are addressed promptly. Of 72 grievances filed since last year's Grand Jury visit, only 7 were found valid and resolved.

CORONER'S OFFICE

The Coroner's Office is located near the San Luis Obispo airport. The Coroner's office investigates most deaths in the county and jurors were informed that it is adequately staffed with trained coroner detective investigators. It is clean, has ample space to accomplish its functions and has excellent security entering the office and its laboratories.

CRIME LAB

The Crime Lab is located on Kansas Avenue, adjacent to the Jail, and has undergone physical changes since last visited in 2013 by the previous Grand Jury. As a result of a 2013-2014 Grand Jury recommendation, an additional 300 square feet was made available by moving the property/evidence room to another location. Work space is now considered adequate for the normal day-to-day operation of each lab and a vehicle garage lab adjacent to the property room is available for processing large items and large quantities of items.

Staffing

The four labs (chemical and toxicology, alcohol and drug level testing, fingerprint and fiber analysis, and blood spatter tracing analysis and imaging) are supervised by two highly trained forensic specialists. One goes to each crime scene; if both are available both go. Each specialist is on-call 24 hours a day, every other week.

Lab personnel estimate it can take up to five years to fully train a new forensic specialist. Current forensic specialists describe the work activities as subjecting this position to "extremely ugly and dangerous situations" which takes it beyond the scope of an intern trainee. The retirement, transfer or incapacitation, of either of the two forensic specialists would critically impact crime investigation in San Luis Obispo County. The need for an additional forensic specialist is acknowledged by lab personnel, but no replacement plan exists.

Evidence Handling

The Grand Jury ascertained that procedures are in place and followed for evidence handling. Evidence is collected, bagged, sealed and tagged at the crime scene. Each time evidence bags are

transferred the chain of custody is maintained. Access to bagged evidence requires a new opening and closing seal with appropriate notation on the tag.

PROPERTY ROOM

The new Property Room opened for operation in 2014 and is located on Kansas Avenue near the Crime Lab. The 2300 square-foot building allows considerable room for expansion. It incorporates the latest technology in evidence and property storage. There is a steel-titanium security cage, a vault and refrigerator for drug storage, two walk-in freezers and three workstations. It appears to be a model of property and accurate record control. It provides ample room for future evidence storage.

HOLDING CELLS

The county had seven cities with holding cells. In the last 18 months the holding cells in Atascadero, Arroyo Grande and Morro Bay closed due to underuse. According to several city police departments since the passage of *Proposition 47* the need for holding cells has continued to decrease. Persons who are arrested are either cited and released or taken directly to Jail. The remaining cells operated by Grover Beach, Pismo Beach, Paso Robles, San Luis Obispo police departments, and in the county courthouse (operated by the Sheriff's Department) are well maintained and in current use.

CONCLUSIONS

The uncertainty generated by shifting numbers and types of the Jail population and increasing criminal sophistication of inmates resulting from *AB 109* and *Proposition 47* have made the sheriff's planning and management of custodial facilities in San Luis Obispo County much more difficult. Current overcrowding, largely a result of *AB 109*, has dramatically reduced the opportunity for meaningful rehabilitation programming and adequate physical exercise for Jail inmates.

Crime Lab forensic specialists are on-call 24 hours a day, 7 days a week and go to each crime scene to collect, bag and tag evidence. There is a need for an additional forensic specialist. Since the training can take up to five years, action is needed now.

FINDINGS

F1: Current staffing of forensic specialists in the Crime Lab is limited to two well trained and experienced professionals.

F2: Forensic specialists are required to have extensive hands-on training which could take up to five years.

F3: There is currently no plan to obtain an additional specialist or provide back-up.

RECOMMENDATIONS

R1: The Sheriff's Department should hire a third full-time forensic specialist in the Crime Lab to provide additional support and long-term capability for personnel replacement.

COMMENDATIONS

The Grand Jury would like to acknowledge and congratulate members of the Sheriff's Department and Juvenile Hall for their continued excellent work. The Grand Jury would further like to thank the staff for their assistance, patience and courtesy during the inspection process.

REQUIRED RESPONSES

The San Luis Obispo County Sheriff's Department shall respond to Findings 1, 2 and 3 and Recommendation 1.

SAN LUIS OBISPO COUNTY JUVENILE HALL,
JAIL AND ALLIED AGENCIES INSPECTION

The responses shall be submitted to the presiding judge of the San Luis Obispo County Superior Court. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

Presiding Judge	Grand Jury
Presiding Judge Dodie Harman Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910 GrandJury@co.slo.ca.us

ENERGY USED, TIME LOST, RESULTS MISSING

INTRODUCTION

California has adopted an ambitious energy conservation and greenhouse gas emissions reduction program, *California Global Warming Solutions Act of 2006*, more commonly known as Assembly Bill 32 (AB 32). The program's goal is to reduce emissions associated with global warming or climate change to levels experienced in 1990 by the year 2020. The means of achieving the goal is through enhanced energy conservation.

AB 32 requires each of California's counties and cities to develop and enact a Climate Action Plan reflecting differing conditions found within each community. The County of San Luis Obispo (County) and the seven cities located within the county have all adopted local Climate Action Plans (CAP). The County CAP, adopted in November 2011, is entitled "EnergyWise Plan" (EWP); it commits the County to energy conservation measures both in the unincorporated area of the county and in its own operations. It has been nine years since the passage of AB 32 and more than three years have passed since the adoption of the EWP. The County's implementation for its own facilities, anticipated to start in Fiscal Year 2011-2012, began in 2013. This delay in progress on the EWP may prove costly to the County as energy cost reduction opportunities are delayed or lost entirely.

This report will review what actions the County has taken to reduce energy use in its own facilities and examine the timeliness of those actions given goal achievement standards and dates set by the state and County. This report does not address the portions of the EWP concerned with the conservation opportunities offered by County employee commuting and County vehicle operations. It does not address the larger opportunities for energy conservation presented by the activities of the community as a whole. This report also does not concern itself with the merits of climate change science.

ORIGIN

This case was initiated by the County Committee of the 2014-2015 San Luis Obispo County Grand Jury (Grand Jury) on its own initiative.

AUTHORITY

California Penal Code section 925 authorizes the Grand Jury to investigate and report on the operations, accounts and records of a county officer, department or function.

METHOD

The County Committee of the 2014-2015 Grand Jury conducted the investigation. The following were interviewed:

- County staff involved in implementing County energy conservation policy
- Persons employed in the private sector with knowledge of energy efficiency, renewable energy and the County's energy conservation reduction activities

Documents reviewed included:

- The San Luis Obispo County EnergyWise Plan (2011)
- *California State Assembly Bill 32* (2006)
- *Climate Change Adaptation Planning in San Luis Obispo County*, GEOS Institute, 2010
- The County's contract with Vanir Construction Management for performing Facility Condition Assessments of County facilities (2014)
- The County's contract with Pacific Gas & Electric for Investment Grade Assessments of County facilities (2014)
- *Renewable Energy Streamlining Program, Opportunities and Constraints Technical Study*, Aspen Environmental Group and the County of San Luis Obispo (2014)

A Glossary of key acronyms and technical terms is found at the end of the report on page 90.

BACKGROUND

Energy conservation has been a subject of government policy for at least four decades. The various oil supply disruptions of the 1970s led to legislation setting vehicle mileage standards. Those standards have been revised upward several times. Government action has continued with energy consumption standards (ENERGY STAR) for appliances, computers, furnaces and air-conditioners.

The federal and state governments, notably California, have occasionally offered incentives to businesses and individuals to install equipment that produces renewable energy such as wind-power generators or solar power modules. These incentives have at times been available to government entities.

These measures had their intended effect. The average energy consumption of an individual in 2014 was the same as in 1968 despite the proliferation of electronic devices in the interim. The annual amount of power generation in the state attributable to renewable sources has increased from 6800 MW in 2001 to 18,800 MW in 2014.

AB 32 follows up on previous government efforts to bring about energy conservation. It is the **first** legislated program in the country to take a comprehensive long-term approach to energy conservation as a means of addressing climate change.⁵⁸

NARRATIVE

The County Board of Supervisors (Board) adopted its EnergyWise Plan (EWP) in response to state legislation (AB 32) requiring local governments to set specific goals, plans and deadlines for reducing greenhouse gases (GHG) emissions through energy conservation. In 2011 the Board incorporated EWP as part of the Conservation and Open Space Element (COSE, 2010) of the County's General Plan.

⁵⁸ <http://www.arb.ca.gov/cc/ab32/ab32.htm>

The EWP commits the County to the goal of reducing its GHG 15% below the level of 2006 through energy conservation, a reduction to the level of 1990. The County owns and/or operates approximately 200 buildings. The energy bills for those buildings amount to about \$2,400,000 per year. Given the potential for saving money through lowering energy costs, the County's interest in reducing energy use in its buildings would be warranted without AB 32 or EWP.

Effective action to reduce energy use in County buildings will involve gathering and analyzing considerable data on the efficiency of each building's electrical and mechanical systems.

Without that necessary data the County cannot predict whether the installation of new equipment will save money and when the savings will be reflected in lower energy costs. EWP implementation was scheduled to begin in late 2011. The process of evaluating each building's energy efficiency began in 2013, a two-year loss of potential cost-saving opportunities.

FACILITY ENERGY EFFICIENCY ACTIVITIES PRE-EWP (November 2011)

GHG Inventory

A comprehensive inventory of County GHG emission levels was prepared in 2006 and subsequently adopted as part of the COSE in 2010; the inventory's calculations are based on emission levels of 2006.

American Recovery and Reinvestment Act Block Grant—Financed Facility Retrofits

In 2009 the County received a grant through the American Recovery and Reinvestment Act's Energy Efficiency Conservation Block Grant program. A portion of the grant was devoted to retrofitting heating, ventilation and air conditioning, and outdoor lighting systems at existing County facilities. The County completed partial retrofits on 25 of its facilities pre-EWP. Those facilities now use approximately \$30,000 less electricity per year. This experience demonstrated the potential for cost savings through energy efficiency.

FACILITY ENERGY EFFICIENCY ACTIVITIES POST-EWP

Feasibility Analysis and Preliminary Energy Assessment

A Preliminary Energy Assessment (PEA), conducted by Pacific Gas and Electric (PG&E) and completed in 2012, focused on 12 facilities and identified potential energy conservation measures. These 12 facilities are either large-sized, have high-occupancy, are in operation 24 hours a day or have some combination of those characteristics. These buildings represent the largest opportunities for the County to improve the energy efficiency of its facilities and save money. In 2013, PG&E performed a Feasibility Analysis of facility utility bills to look for potential energy saving opportunities and found that these 12 facilities, out of approximately 200, accounted for 80% of the County's total energy usage. Further analysis of the PEA findings is within the scope of the Investment Grade Assessments PG&E will perform for the County.

Facility Condition Assessments (FCA)

A facility condition assessment is defined as the process of conducting an independent and objective condition assessment of all site and building improvements and systems in accordance with recognized industry standards. This includes identification of deferred maintenance, code violations, safety issues, construction deficiencies, recommendations for improvements; prioritizing short-term needs and repairs and includes a minimum 20-year capital replacement budget and a replacement reserve-funding plan.

The County acknowledges it does not know the level of deferred maintenance nor the quantity of inadequate mechanical and electrical equipment installed in or associated with County buildings. The County approved a one-year contract with Vanir Construction Management, Inc. (Vanir) on November 4, 2014, with an option for extension annually up to four additional years, to perform FCAs on its facilities. The FCAs will provide the information necessary to prioritize repair or replacement of building components moving the County into a more proactive and planned approach to facilities management. It is anticipated obsolete and energy-inefficient systems will be replaced using cost-benefit analysis, including length of payback time.

Investment Grade Assessments /Audits

An Investment Grade Assessment (IGA) is a comprehensive analysis of potentially expensive energy efficiency improvements with a distinct focus on financial concerns and return on investment. It is the primary tool for determining those projects identified by an FCA that are financially worth implementing.

On November 25, 2014, the County entered into an agreement with PG&E to provide IGAs of the 10 County facilities shown in the Appendix on page 89. The IGAs will be conducted as part of PG&E's Sustainable Solutions Turnkey (SST) program. PG&E represents the SST does provide a comprehensive, streamlined and cost effective approach toward implementing energy efficiency and conservation measures. PG&E further represents the SST program offers a wide range of services including engineering and design, construction and installation, contract administration, commissioning, modeling for financial support, utility rebates and incentives support, and system warranties. By participating in SST, the County will identify and develop projects to help it realize savings in energy usage and costs. The contract with PG&E can be extended annually up to a maximum of five years.

Renewable Energy Streamlining Program

The County has developed the Renewable Energy Streamlining Program (RESP) to streamline permitting of certain renewable energy projects in suitable locations in the unincorporated area of the county. The EWP states the County will increase the use of renewable energy sources in County facilities to account for 10% of total energy used by 2020. The same goal applies to the private sector in the unincorporated area. This will be accomplished in part through revisions to County ordinances and policies; the Coastal Zone is not part of this program. The goal of streamlining is to increase the certainty of the permitting process and reduce the time it takes to approve renewable energy development projects. Funding for this effort came from a \$638,152 grant from the California Energy Commission.

To help meet the 10% goal for renewable sources, the County contracted with Aspen Environmental Group (Aspen) to generate the "Opportunities and Constraints Technical Study (OCTS)." OCTS identifies the County's renewable energy resources and locations where

renewable energy projects would be most appropriate given environmental, historic, esthetic and legal considerations. OCTS was completed in April 2014 and has been included in the EWP. The RESP was approved by the Board on March 24, 2015.

PERSONNEL AND RESOURCES INVOLVED IN IMPLEMENTING EWP

Energy Executive Steering Committee

The Energy Executive Steering Committee (EESC) was formed to coordinate County energy-related policy and activities. Committee members are executives from several departments including Administration, General Services, and Planning and Building; the same departments responsible for implementing EWP. The EESC is tasked to provide updates on a biennial basis to the Board on the County's energy strategy but has not done so since 2012. The committee has been meeting infrequently and without the regular attendance of all members.

Energy Community of Interest

The County's Energy Community of Interest (ECOI) is made up of staff from the County Administrative Office, Planning and Building Department, General Services Department and Public Works Department. The ECOI, intended to serve as the County's energy expert, meets monthly and is active in coordinating the County's energy efficiency efforts. The ECOI makes recommendations to the EESC.

Utility Coordinator/Energy Manager

The utility coordinator position was created approximately 13 years ago; it has been vacant for the past three years. Ordinarily this person would have the role of identifying, proposing and overseeing improvement projects related to implementing the EWP. The County has been unable to fill the position; it has instead contracted with Water Systems Consulting, Inc. in December 2014 to perform the tasks of the utility coordinator.

“Utility Manager” (Software)

“Utility Manager” is the software the County uses for its utility bills. “Utility Manager” is no longer supported by its vendor, cannot be updated and is inadequate for the task of implementing the EWP. For example, while the software is capable of tracking energy usage by the

approximately 200 County facilities, it cannot readily identify those facilities in which energy use is out of proportion to the size, occupancy and hours of use. The County contracted Water Systems Consulting, Inc. to research and recommend an appropriate replacement.

CONCLUSIONS

The County adopted its EnergyWise Plan in 2011 to meet the goals set forth in AB 32 – reduce GHG emissions from its own activities and the unincorporated areas of the county by 15% through energy conservation by 2020. AB 32 became law in 2006; major portions of the County’s implementation of its EnergyWise Plan remain to be accomplished as of May 2015. Success in meeting that goal will require the acquisition of considerable data about the County’s buildings, their condition and their energy use. That data will remain unavailable at least until results from the Facility Condition Assessments and Investment Grade Assessments become known. The County’s lack of both an energy manager and adequate computer software to manage energy usage and efficiency has left the County with less than six years to achieve compliance with AB 32 and with its own EnergyWise Plan.

FINDINGS

- F1. The EnergyWise Plan commits the County to a 15% reduction of GHG by its own facilities by 2020.
- F2. Responsibility for implementing EWP is divided among several County departments including Administration, Planning and Building, General Services and Public Works.
- F3. Fully implementing the EWP has been delayed because the County has not provided adequate funding, staff or priority.
- F4. The County’s utility coordinator/energy manager position has been vacant for three years.

F5. The computer software currently used by the County to track its energy usage is incapable of providing the information necessary for timely implementation of the EWP.

F6. The contracts with PG&E for Investment Grade Assessments and with Vanir Construction Management for Facility Condition Assessments will provide the County with pertinent data critical for successful implementation of the EWP.

F7. The EWP calls for periodic review and updating of the plan. The County has not reviewed and updated the EWP since August 2012.

F8. Reaching the 2020 GHG reduction goals and associated cost savings will have to be accomplished over a shorter, five-year period rather than the original eight years.

F9. The County can realize considerable energy cost savings if EWP goals are accomplished by 2020.

RECOMMENDATIONS

R1. The Board of Supervisors should allocate sufficient funds to implement the EWP ensuring the planned reduction in energy usage by County facilities as outlined in the EWP is realized within the set timeframe.

R2. County Administration should make staff available to complete implementation of the EWP within the established timeframe.

R3. County Administration should make the data produced by the IGAs and FCAs available for action by the Board of Supervisors within 60 days of receipt of such data.

R4. The Board of Supervisors should fund purchase of, and training for, utility usage and billing software capable of providing the data necessary for effective implementation of the EWP.

R5. County Administration should complete the required biennial review and updates of the EWP.

REQUIRED RESPONSES

The Board of Supervisors is required to respond to Findings 1, 3-5 and 7-9; and Recommendations 1, 3 and 4.

The County Administrator is required to respond to Findings 1-9; and Recommendations 2-5.

The responses shall be submitted to the presiding judge of the San Luis Obispo County Superior Court. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

Presiding Judge	Grand Jury
Presiding Judge Dodie Harman Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910 GrandJury@co.slo.ca.us

APPENDIX
FACILITIES THAT USE THE MOST ENERGY

Facility	Address	Potential Energy Conservation Areas
Old Government Center	1050 Monterey Street	Lighting, cooling system, retrocommissioning, electrical transformers
Courthouse Annex	1035 Palm Street	Lighting, cooling system
Downtown Government Center	1055 Monterey Street	Lighting, heating & cooling systems
Downtown Library	995 Palm Street	Lighting, energy management system
Main Jail	1585 Kansas Avenue	Lighting, heating & cooling systems, retrocommissioning, electrical transformers
Juvenile Hall/ Juvenile Service Center	1065 Kansas Avenue	Lighting, heating & cooling systems
Honor Farm	885 Oklahoma Avenue	Lighting, walk-in cooler & freezer, kitchen hood controls, heating & cooling systems, electrical transformers
Health Campus	2180 Johnson Avenue	Lighting, cooling system
Public Health Laboratory	2191 Johnson Avenue	Lighting, heating & cooling systems
Social Services	3433 South Higuera Street	Lighting, electrical transformers

GLOSSARY

CAP—Community Action Plan: Plans adopted by local governments to meet the greenhouse gas emission and energy use reduction goals of AB 32. San Luis Obispo County’s CAP is titled EnergyWise Plan.

COSE—Conservation and Open Space Element of the San Luis Obispo County General Plan

ECM—Energy Conservation Measure

ECOI—Energy Community of Interest: A county committee that recommends actions to the EESC

EESC—Energy Executive Steering Committee: A committee formed by the County to coordinate its energy policy activities

EWP—EnergyWise Plan: See CAP

FCA – Facility Condition Assessment

GHG – Greenhouse gases: any of various gaseous compounds (such as carbon dioxide) that absorb infrared radiation, trap heat in the atmosphere, and contribute to the greenhouse effect

IGA – Investment Grade Assessment

OCTS—Opportunities and Constraints Technical Study

PEA—Preliminary Energy Assessment

RESP – Renewable Energy Streamlining Program

Retrocommissioning – A systematic process for identifying less-than-optimal performance in a facility’s equipment, lighting and control systems and making the necessary adjustments; equipment is modified rather than replaced

Retrofitting – To modify equipment that is already in service using parts developed or made available after the time of original manufacture

HOMELESS DONATION METERS – MAKING CHANGE COUNT

INTRODUCTION

Homelessness is a complex issue arising from many different personal circumstances. The San Luis Obispo City Council, as part of the 2013-2015 Financial Plan, identified reducing homelessness as a major city goal and directed staff to implement a comprehensive strategy to address this.



This led to the formation of the Directed Giving Campaign Committee (Committee). It is composed of: San Luis Obispo Police, Parking, Community Development and Parks and Recreation Departments; San Luis Obispo Downtown Association (Downtown Association) and United Way of San Luis Obispo County (United Way). The Committee implemented the Make Change Count program. Under this program, colorful, specially marked repurposed parking meters were installed in high foot traffic areas in downtown San Luis Obispo as donation sites.

METHOD

The 2014-2015 San Luis Obispo County Grand Jury (Grand Jury) physically looked at the location of donation meters in the downtown area. The Appendix on page 95 lists the locations and donors. The Grand Jury interviewed representatives of the city, Downtown Association, United Way and Friends of Prado Day Center. The Grand Jury also reviewed materials on relevant websites regarding this program, similar programs in other communities and related information.

NARRATIVE

San Luis Obispo is experiencing an increased number of panhandlers in the downtown area. These are individuals who beg for handouts on sidewalks making some people feel guilty,

uncomfortable, or intimidated; this can create an adverse environment for shoppers, merchants and other passers-by.

In April 2014, the two-year pilot program, Make Change Count, was officially launched by the City of San Luis Obispo. The intent of the program included educating the public and redirecting money given to panhandlers to agencies helping the homeless. The meters are a different approach in helping the public consider whether there is a benefit to giving money to a panhandler who may or may not be in need and who may or may not spend the money on necessities. Rather, wouldn't it be better to give that money to an agency that will try to help homeless people improve their lives? The campaign is intended to raise that question and provide a means for contributing to an organization specializing in helping people make the transition out of homelessness. By providing funding for better support services, Make Change Count promotes long-term stability for troubled individuals and generates more effective help than just a direct handout.

IMPLEMENTATION AND OPERATION OF THE PROGRAM

The Committee received a Community Grant of \$2250 allocated by the San Luis Obispo County Board of Supervisors and a donation of approximately \$3000 from the San Luis Obispo Police Department's operating budget to cover its start-up costs. These included the marketing program strategy; installation and initial maintenance of the seven meters; and development of the artwork and printing of posters, flyers, pamphlets and other materials. The Downtown Association coordinated the publicity for the program. It also found community sponsors for each of the seven meters. In addition, Dignity Health sponsored television and magazine advertisements to help with the implementation of the program.

IPS Group, Inc., the vendor for all City of San Luis Obispo parking meters, donated eight parking meters valued at \$2500 each to the Make Change Count program. These meters accept both coins and credit cards. Initially, the city was absorbing the maintenance and repair costs but IPS Group, Inc. is now repairing the meters at no cost to the city.

The city's contracted meter coin collector, FSC Collections, gathers coins regularly from the donation meters for transfer to United Way at no charge in support of the program. The canvas collection bag is sealed by an employee of FSC, turned over to United Way, then delivered by a representative of United Way to Heritage Oaks Bank where the bag is opened by a bank employee and the cash counted and deposited. The bank also donates its services.

United Way serves as the fiscal agent for the funds. In lieu of administrative fees, United Way directs 10% of the Make Change Count donations to support its 211 program⁵⁹; it received \$1099 in 2014.

FUNDS COLLECTED AND DISPERSED

From April through December 2014, the Make Change Count program grossed \$11,114.⁶⁰ The bulk of donations (\$7000) came from meter sponsorships of \$1000 each for the two-year pilot program. Additional sponsors of the program donated \$2218. A total of \$910 was collected in coins and \$986 in credit card donations for a total of \$1896. The only costs the program incurred were \$1099 for the 211 program and \$659 for credit/debit card fees (67% of the total credit card funds collected). During the first month of the program, there were initial merchant fees of \$267 associated with the use of debit or credit cards. Through negotiation with credit card companies, the program had some fees waived and others reduced.

Recently the Make Change Count program donated \$8500 to Friends of Prado Day Center. It was designated the first grant recipient by the Committee and will receive an additional grant in 2016. This left the Make Change Count program with a reserve of \$855.

Friends of Prado Day Center is a fundraising nonprofit organization whose goal is to keep the Prado Day Center open. It is an all-volunteer organization; no one receives a salary or other compensation. All money raised is turned over to the Community Action Partnership of San Luis

⁵⁹ The 211 program is an informational and support call center referring local citizens to a variety of available service providers including homeless shelters, rent or utility service payment assistance, food pantries, health clinics, mental health services, domestic violence counseling, legal aid, transportation or employment resources.

⁶⁰ All figures have been rounded to the nearest dollar.

Obispo (CAPSLO) to help cover the cost of operating the center. CAPSLO takes 6% of these donations for administrative costs.

A person familiar with the program stated, “The value of the meters is more than money; it’s creating awareness and trying to make people self-responsible.” The meters are a fresh approach in addressing a very big problem. If the program continues beyond the two-year pilot period, other charities could benefit. The Committee will make that determination.

CONCLUSION

The Make Change Count program is an innovative way to collect money for homeless services and to challenge residents and visitors to consider whether giving money to an individual contributes to the panhandling problem rather than addressing it. By creating an alternative the program encourages downtown patrons to stop giving to panhandlers and instead donate to local programs working to improve lives. The meters themselves have not been a huge success as a fundraising tool partly because the Committee has been unable to effectively promote public awareness of the program due to limited funds. Make Change Count may be discontinued after the trial period if the public does not become more supportive.

The education of the public and the idea of the homeless donation meter program are to be applauded. The generous donations of the sponsors are also commended. City departments, the Board of Supervisors, merchants, Dignity Health and nonprofit organizations have come together to make us aware of possible ways to reduce the panhandling problem.

REQUIRED RESPONSES

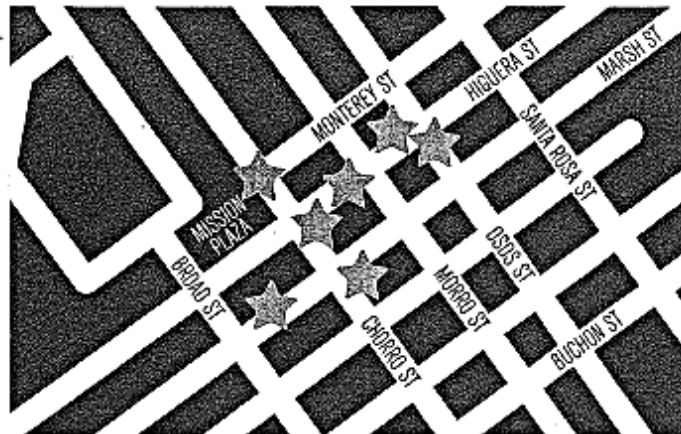
This is an informational report. No responses are required.

APPENDIX

The following is a list of the meter locations and sponsors:

1. Broad Street at Marsh Street – San Luis Obispo Mayor Jan Marx
2. Chorro Street at Marsh Street Parking Structure – by those who believe, “Compassion Leads to Opportunity”
3. Higuera Street at Chorro Street – The Wineman Building, LLC
4. Higuera Street at Court Street – Copeland Properties
5. Higuera Street at Downtown Center – Copeland Properties
6. Higuera Street at Osos Street – Eric Meyer
7. Monterey Street at Chorro Street (Mission Plaza entrance) – Rotary Club of San Luis Obispo Daybreak

Source: www.slocity.org



Monterey @ Chorro

Higuera @
Court Street

Higuera @
Downtown Center

Chorro @ Marsh

Broad @ Marsh

Higuera @ Chorro

Higuera @ Osos

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CALIFORNIA MEN'S COLONY INSPECTION REPORT

INTRODUCTION

The 2014-2015 San Luis Obispo County Grand Jury (Grand Jury) inspected the California Men's Colony (CMC) State Prison at San Luis Obispo on September 22 and 24, 2014. The Grand Jury noted the large scale and complex nature of the prison's operation.

- At the time of the Grand Jury's visit, there were 1602 total paid staff responsible for 4184 inmates serving an average sentence of 8.5 years.
- The inmate population has on average an eighth grade education and 25% suffer from mental illness.
- CMC costs California nearly \$250 million a year to operate.

Additional prison population considerations are the yet unclear long-term effects of the *Public Safety Realignment Act of 2011 (AB 109)*⁶¹ and the *Reduced Penalties for Some Crimes Initiative (Prop. 47)*⁶². The intent of *AB109* is to divert certain violators to county jails instead of state prisons. *Prop. 47* is designed to reduce the classification of most "non-serious and nonviolent property and drug crimes" from a felony to a misdemeanor, thereby allowing those convicted of those crimes to serve their time in local county jails rather than state prisons.

AUTHORITY

California Penal Code §919(b): "The grand jury shall inquire into the condition and management of the public prisons within the county."

⁶¹ *AB 109* went into effect October 1, 2011. It had no effect on the then-current prison population; it reduced the number of incoming offenders and limited new inmates to those committing more serious offenses.

⁶² *Proposition 47* was approved by voters November 4, 2014. *Proposition 47* similarly had no effect on current CMC inmate population but reduced the numbers going into state prisons by changing some felonies to misdemeanors.

PROCEDURE

The Grand Jury compiled a list of questions which were asked during its inspection of CMC. The Grand Jury interviewed a number of CMC staff members.

Documents provided by CMC staff and reviewed by the Grand Jury included:

- Selected CMC policies and procedures
- “Accredited Certification Program” for *Prison Industries Authority (PIA)*
- workforce and other prison programs
- *California Code of Regulations (CCR) Title 15 Section 3084*
- “CMC Department Operations Manual” (DOM) Section 54100 Supplement and *Americans with Disabilities Act (ADA) Appeal Procedures*
- Document titled “CMC MENTAL HEALTH LEVELS OF CARE”

NARRATIVE

The Grand Jury found one major and three minor issues that are described in the remainder of this report.

MAJOR ISSUE

The state of religious life at CMC represents the most critical problem the Grand Jury encountered while inspecting the institution. The Grand Jury was told the exercise of religious life in the prison has been placed on the “back burner” and should be a high priority. While inmates are required to give up many of their rights when entering the prison, religious expression may only be restricted when a compelling government interest has been established.⁶³ Nevertheless according to the chaplains, attendance at religious services has been limited by custody staff; therefore it appears CMC is not in full compliance with *Subchapter 3* (inmate activities) *Section 3210* of the *CCR*.

⁶³ *United States Code: 42 U.S.C. Sec. 2000(bb)* “(a) Findings; The Congress finds that... (3) governments should not substantially burden religious exercise without compelling justification;...”

Other situations impacting the religious life at CMC:

The chapels at CMC East

In the three chapels the Grand Jury observed doors and windows that leak during rains, asbestos in the walls (acknowledged by CMC's administration), mold and other visible substances growing in the chapels, and because of a significant amount of deferred maintenance, significant structural work is needed. The chaplains have repeatedly submitted work orders to have this work done. If you are of a religious bent the three CMC chapel structures are not a fitting place for God to make his home. If you are of a secular bent the CMC chapels do not represent a fitting place for humans to congregate.

The reporting structure for the chaplains

The chaplains at CMC are a group of highly educated professionals with decades of collective experience trying to minister to the spiritual needs of CMC inmates. This professional expertise is deployed not just in spiritual counseling but also in the practical rehabilitation of CMC inmates. Religious rehabilitation is very different from rehabilitation offered by the secular world. Currently these professionals report to the community partnership manager, a mid-level prison manager with many other duties, none of which have any correlation with religious life. The chaplains report that their unique concerns get lost in this management structure. Formerly, the chaplains reported to an associate warden who had much more authority and a broader view of the overall needs of the prison community and the way religious concerns integrate into that community.

The expense support of the chaplains

The cost of maintaining religious life at CMC is modest but real. Offering a proper Catholic, Jewish, Muslim, Protestant or Native American service requires certain physical items that cost money. In the past each of the five chaplains was afforded a small expense allowance for these items, about \$2000 per chaplain per year (about .00004 of CMC's overall budget). These allowances have been eliminated requiring the chaplains to seek funds from inmates and outside contributors to foot the bill.

Food for religious events

The Grand Jury observed the complex organization required to feed over 4000 inmates three meals a day. It is truly a daunting task. Upon inspection, follow-up visits and reading of outside reviews of the prison's food operation the Grand Jury can see that the prison is doing a very good job. The most recent outside audit offered 30 suggestions for improvement and the prison has successfully addressed all items. The Grand Jury believes this efficient food service can be improved to support the religious life at CMC. While prison policy requires food service operations cater to special dietary needs during religious events such as Lent, Passover and Ramadan, these accommodations are not always being made. For example, the timing of Ramadan meal service or the eight required Seder plate items are not honored.

MINOR ISSUE 1 – *Prison Industries Authority (PIA)* and other work programs

The Grand Jury was very impressed with the organization of the various industrial activities within the prison. The print shop, license tag printing, boot making, knitting and fabric businesses appeared to be vibrant, well run, profitable and have a willing inmate workforce working under effective supervision. While the discipline of showing up for these jobs and performing the work required is a very positive influence on the inmate's rehabilitation, in the civilian world, at least in America, employment requiring the skills of boot making, knitting and fabric work barely exists.

The Grand Jury is intrigued with the planned launch of the Paws For Life program. The program will assign inmates at CMC West to dogs that are deemed unadoptable with a high risk of being euthanized. The inmate's task will be to work with these dogs bringing them into a behavioral state where the dog can be adopted. This may be a great way to help inmates acquire skills that could have real world application leading to productive work after the inmate's release. There are also the Fire Crews and body shop programs.

The Grand Jury encourages CMC to look for more opportunities like Paws For Life and the print shop to move the prison workforce into skills that offer good prospects for post-release employment.

MINOR ISSUE 2 – General Equivalency Diploma (GED) program

During the inspection the Grand Jury observed a high school level class in action. The organization and discipline were at a very high level. The instructor told the Grand Jury that all this work may go for naught if the GED certification program were no longer going to be available to prison students. He reported that testing was going electronic but inmates are not allowed to use computers with internet access. The Grand Jury understands that CMC is working on a solution.

MINOR ISSUE 3 – Moldy Bread

While the Grand Jury was inspecting CMC jurors were given a prison lunch which included peanut butter and jelly packets and sliced bread with which to make a sandwich. Two jurors received moldy bread in their lunch. The Grand Jury learned this is something that occurs on a regular basis in inmate lunches. Although Corcoran State Prison's PIA supplies the bread, it is ultimately a CMC responsibility for providing adequate and edible food.

CONCLUSIONS

The Grand Jury found much to praise at CMC in terms of security and safety for staff and inmates, addiction support programs, medical and mental health services, skills accreditation opportunities and high school and higher education opportunities.

The Grand Jury found six issues that require immediate attention:

- The chapels at CMC East are old, neglected and appear unsafe. They should be renovated top to bottom so that they are in complete compliance with current state building codes (*California Code of Regulations Title 24*) and can be used as appropriate places of worship for the prison community.

- The Grand Jury believes the chaplains should report directly to top management of the prison. This is important because top management, with its broad view of the institution's goals, is much more likely to appreciate the nuanced difference between secular rehabilitation and professionally directed religious rehabilitation. That change in reporting will maximize the chaplains' contribution to the prison community.
- The Grand Jury believes the chaplains, as important professional employees of CMC, should not have to go outside the prison to seek funds. A \$10,000 allowance, only .00004 of this year's prison budget, would cover the needs of all the chaplains and let them retain their dignity, strengthening the entire prison community.
- The Grand Jury found the food service operation is capable of meeting special dietary needs during religious holidays such as Lent, Passover and Ramadan, but does not currently do so. The Grand Jury believes food service can be improved to help support the religious life at CMC. Notwithstanding all of the above, *Title 15, Division 3*, of the *California Code of Regulations* requires these accommodations.
- Corcoran State Prison's PIA is the bread supplier to CMC and the bread is often served moldy with no "use by" date on the packaging. Tighter scheduling from baking, packaging, inspecting and serving of the bread should be introduced between Corcoran and CMC.
- Prison staff indicated that the GED program, currently paper-based, is becoming digital and internet access is not available to inmates. The Grand Jury believes it is imperative the GED program continues to be available to those inmates motivated to complete their high school work. Non-internet hardware and software systems for GED programs are available and should be investigated for use in GED education and related teaching programs.

FINDINGS

F1: The chapels at CMC are dilapidated and by personal observations of the Grand Jury contain asbestos, and mold is growing on the walls and ceilings. Prison officials acknowledge this situation exists.

F2: The chaplains at CMC report to a mid-level of management.

- F3: The chaplains at CMC do not receive expense money to support their ministries.
- F4: Attendance at religious services has been limited by custody staff.
- F5: While CMC has rehabilitation programs that can build technical skills, many of these will not be transferrable outside the prison.
- F6: CMC is not currently operating a program that allows inmates to take the GED test.
- F7: CMC and its bread supplier lack a distribution system that ensures bread supplied to inmates is not moldy.

RECOMMENDATIONS

- R1: CMC should bring their chapels into compliance with current state building codes (*California Code of Regulations Title 24*).
- R2: The chaplains should report to an associate warden.
- R3: CMC should restore the expense allowance formerly provided to the chaplains; at least to the prior level of \$10,000 annually.
- R4: CMC should accelerate the implementation of the Paws For Life program.
- R5: CMC should ensure an acceptable and accessible GED test is available to inmates.
- R6: CMC and Corcoran State Prison PIA should redesign the distribution system for bread to ensure fresh and mold-free bread is delivered to inmates.

REQUIRED RESPONSES

While state law mandates the Grand Jury inspects the prison, there is no duty on the prison to respond to any report issued. The Grand Jury encourages the prison to respond.

Presiding Judge	Grand Jury
Presiding Judge Dodie Harman Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910 GrandJury@co.slo.ca.us

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SCHOOL SHOOTINGS – SCHOOL VIOLENCE PREVENTION-PREPARATION-RESPONSE

INTRODUCTION

A grand jury acts as a watchdog over governmental behavior. Sources may be citizen complaints, whistle-blowers, previous grand jury reports, looking at what other counties are investigating, or plain old brainstorming and yes, it can decide to look at something even when there's no apparent problem. However, this report differs from typical grand jury reports. Potential school violence is a case where the 2014-15 San Luis Obispo County Grand Jury (Grand Jury) looked at school and other stakeholders' preparation and potential responses. The Grand Jury initiated this report on behalf of the community and especially parents or grandparents of schoolchildren in local schools, or relatives or friends of teachers, staff or administrators. The Grand Jury undertook a dispassionate examination of the topic.

AUTHORITY

California Penal Code section 925 authorizes the Grand Jury to investigate and report on the operations, accounts and records of functions within the county.

METHOD

The Grand Jury visited 11 schools throughout the county: 9 public schools and colleges covering all age groups, and 2 private schools. It received information from school administrators. The Grand Jury interviewed the school principal, an experienced teacher and a newer teacher at each school. The Grand Jury attended school drills and off-site training exercises co-sponsored by the Sheriff's Department and other agencies to aid in police and fire department preparation for school emergencies. The Grand Jury questioned personnel of the Sheriff's Department, all 7 police departments and several fire departments.

BACKGROUND

SCHOOLS, THE FIRST LINE OF DEFENSE

All California schools have shooting preparation as a mandate and as part of the administrators' and teachers' manuals. This concern was heightened by the Columbine High School shootings on April 20, 1999, in Colorado, which resulted in the deaths of 12 students and 1 teacher, injuries to 21 additional people, and the suicides of the 2 perpetrators.

As a result of additional incidents, schools have enhanced violence preparation in their manuals and have included additional training and school drills. In training that represents best practices schools have included police, fire and emergency medical services (EMS) personnel in those drills to make the preparation more meaningful, practical and realistic. Many other school-related incidents have occurred, such as Sandy Hook Elementary School in Connecticut and another at the UC Santa Barbara campus community of Isla Vista, California, that demonstrated school violence is geographically spread and covers all age groups.

Schools have mandated drills (the highest frequency was monthly) each year to prepare. The frequency and timing depends on the school district, which typically divide potential situations into three categories: fire, earthquake and lockdown. Some schools' policy/drills distinguish between "shelter-in-place" (possibly an off-campus situation that is near the school) and lockdown (including cases where an assailant may be on school grounds). See Appendix A on page 111 for definitions of shelter-in-place and lockdown. Additionally, schools are concerned with potential wildfire, nuclear disaster, train derailment, earthquakes, and other natural and manmade disasters so there's a lot for which they have to be prepared.

POLICE, FIRE AND EMS, THE SECOND LINE OF DEFENSE

High schools may have dedicated school resource officers⁶⁴, but lower grade levels generally do not. Schools will call 911 which then dispatches emergency services, such as police, fire and EMS who are trained to handle violent or active shooter incidents.

⁶⁴ School resource officers are sworn law enforcement officers who are responsible for providing security and crime prevention services in schools.

All police departments in the county and the Sheriff's Department are continuously trained and have a section in their manuals outlining procedures in the event of school incidents, including active shooters. The police and fire departments have been participating in many school drills.

NARRATIVE

The Grand Jury observed that school districts, schools, police, fire and EMS agencies in San Luis Obispo County are aware of and prepare for the possibility of school incidents of violence, including school shootings.

Law enforcement preparedness

The Grand Jury visited all seven of the county's municipal police departments as well as the Sheriff's Department. The Grand Jury met with the chiefs of police and their assistants and with the sheriff and undersheriff. The purpose was to determine their preparedness to deal with an active shooter at any school campus within their jurisdiction. As a part of their preparation all departments start with a service called Lexipol as a basis for their training and procedures for dealing with potentially violent incidents at local schools. A complete description of Lexipol is contained in Appendix B on page 112.

In all departments visited the Grand Jury observed innovations that went beyond what Lexipol material offers. In one department all officers are periodically given a skeletal map of a specific school and officers are required to identify which unnamed box represents the school's library, gym or other locations. Another department obtained the school's master keys and mapped, by color-coding, those keys to a laminated map of the school campus. They then placed the packet in all their police vehicles. Another department periodically sends their officers to local schools to familiarize them with their campuses. Additionally, the Sheriff is leading an effort to electronically provide a three-dimensional map of every school campus in the county to all local police agencies.

SCHOOLS' PREPAREDNESS

Best Practices

The Grand Jury observed or was provided with many practices currently in use by local schools and emergency response agencies. The Grand Jury selected 45 that it deemed “best” in the sense of inherently good to do, not prohibitively expensive or impossibly difficult to implement. This section summarizes and categorizes most, but not all of them. See the full list in Appendix C beginning on page 113.

The practices fall into two major divisions: education and training; implementation and action. In addition, each can be further broken down into pre-incident, mid-incident and post-incident activities.

Education and training

During the pre-incident time period, input for procedures should be gathered from teachers, administrators, emergency response personnel (law enforcement, fire and EMS), parents, students and others with special skills and knowledge. Meetings, seminars and assemblies can be useful tools for obtaining pertinent information.

Communication is vital: knowledge must be shared with all involved in the preparedness process. Rapport should be established between school personnel, students, emergency responders and parents. The lines of communication should flow freely with personal relationships formed as necessary, such as with a law enforcement officer who may be assigned to a particular school, or a parent who volunteers to patrol school grounds. Invite emergency personnel to visit the school, introduce themselves and explain what they do during and after an incident - get to know them.

Once information is gathered and communicated, best practices suggest training must ensue. Training is a very important component of preparedness. Training should include all stages of an incident: as it begins and unfolds; the confrontation of a possible perpetrator; lockdown, lockout and victim release procedures. In addition, all the other procedures under the implementation and action section that follow require repetitive training to be successful.

Everyone needs to be trained including administrators, teachers (whether long-term, newly hired, or substitutes), students and parents. Training can be accomplished by meetings, drills and written materials developed for this purpose. It must be an ongoing process with frequent iterations.

Drills should not only be performed regularly, but occasionally unannounced. Debriefing after a drill is a valuable learning experience for the participants to see what worked and what needs work.

Implementation and action

Early implementations and actions that are easy include developing teams of students and teachers each with a specific emergency responsibility based on their training. Develop school safety procedures including lockdown and lockout rules, create a plan to disburse school employees to pre-arranged emergency stations and assign authority. Other tasks include establishing notification procedures for students, teachers, parents and others.

Additional actions are creating and printing maps, diagrams, sign-in/sign-out logs and visitor badges and the creation of a Classroom Emergency Response Guide available throughout the campus. Escape route maps for people on campus should be posted in each room. More sophisticated color-coded three dimensional diagrams are very helpful to emergency responders, particularly if coupled with color-coded school keys.

Students and others need to be alert to unfamiliar faces on or near campus and for unusual or hostile behavior. These should be reported to a teacher, administrator or a school resource officer. This requires minimal training and can be implemented immediately. Examples of red-flag situations: someone seated in a car in the parking lot for an unusually long time, lingering in front of the school or a stranger attempting to enter the grounds or on campus without a visitor or vendor badge.

Nuts and bolts actions and implementations are more problematical in that they may require money for buying parts and hiring skilled labor, which in turn can enhance security in major

ways in schools. A good practice is installing inside-securing door locks. This seemingly simple idea is easy, inexpensive and effective. Another such action is to have easily set up window covers located near the windows. More complicated, if somewhat more expensive, is to install a closed circuit television monitoring system which would require someone to monitor it during school hours. Alternatively, a few inexpensive wireless cameras at carefully chosen locations can show remote or hidden areas of the campus.

Having color-coded keys that coordinate with emergency responders' color-coded maps can help them navigate through a campus, saving time when it is needed most. Another approach is the KNOX-BOX® Rapid Entry System⁶⁵ similar to a realtor's doorknob key box but for emergency responders.

CONCLUSION

The Grand Jury shares the public view that no school violence should ever take place. At the same time it is aware that such events occur and it supports the combined efforts of school officials and other stakeholders to prepare for possible incidents. The Grand Jury commends school efforts, both public and private, to provide a safe place for students to learn. The Grand Jury's conclusion is that schools and police/fire/EMS personnel have prepared very well for worst-case scenarios.

REQUIRED RESPONSES

This is an informational report. No responses are required.

⁶⁵ KNOX-BOX Rapid Entry System is a secure emergency access box developed for first responders for storage of access cards, entry keys and floor plans; preventing costly entry damage.

APPENDIX A

Shelter-in-place is a short-term measure implemented when there is a need to isolate students and staff from the outdoor environment for any reason. This allows for the free movement of staff and students within a classroom or building, although one should not leave the room/building until further instructions are received. Those in classrooms and buildings with exterior passageways must remain in the classroom while shelter-in-place is instituted. Many schools report that they continue with classroom studies during a shelter-in-place. It is appropriate for, but not limited to, gas leaks, external chemical release, dangerous situations outside of the school, or as a precautionary measure. School administration is responsible for termination of a shelter-in-place action.

Lockdown is initiated to isolate students and school staff from danger when there is a crisis within the school campus and movement within the school might put students and staff in jeopardy. Lockdown could also be initiated due to an off-campus incident by request from law enforcement. Lockdown is used to prevent intruders from entering occupied areas of the building. The concept of lockdown is no one in, no one out. After hallways are swept, all exterior doors are locked, and students and staff must remain in the classrooms or designated locations at all times. Teachers and other school staff are responsible for accounting for students and ensuring that no one leaves the safe area. Lockdown announcements may be by distinctive alarm, electronic notification to all staff on campus, or verbal. This action is considered appropriate for, but is not limited to emergencies such as gunfire, multiple students fighting on campus, or a campus intruder. Schools reported that law enforcement is responsible for termination of a lockdown action.

APPENDIX B

Lexipol is a company that offers a subscription service that is used by 95% of all California police agencies which can be adapted to the specific needs of each department. Lexipol provides the template for all law enforcement policies and procedures. It is court-tested, updated regularly, reviewed annually incorporating any changes in laws and court decisions, and contains federal and state laws involving best practice policies.

Lexipol provides an on-demand on-line training program to all police agencies which can be used as a part of daily roll call training. The use of Lexipol standardizes responses by police agencies operating under mutual aid agreements, saves time and money by continually researching laws and best practices, and is now expanding to police and fire agencies throughout the United States.

APPENDIX C – Best Practices for Schools

The Grand Jury encourages each school to consider the following best practices in securing their schools.

Organization

- Include input from teachers, school administrators and others in the development of written plans or procedures.
- Ensure that knowledge of the content and expected implementation of the plans and procedures is shared among administrators, teachers, staff, volunteers, students, vendors and visitors to campus.
- Have an active parent-teacher association with knowledge of and support for the emergency plans.
- Create teams that include teachers, support staff and students with each having specific emergency assignments.
- Develop and ensure each classroom has a Classroom Emergency Response Guide - a multi-page, multi-colored brochure that includes a map of the campus as well as what to do in the event of each type of emergency with simple steps condensed onto one page.
- Ensure students are briefed and trained on detailed shelter-in-place and lockdown procedures to be followed during a potential incident.
- Ensure both teachers and students understand that lockdown means all classroom doors are immediately locked; hence anyone in hallways or other school areas cannot enter any classroom.
- Develop and have teachers discuss with students specific instructions on what students who are locked out should do.
- Ensure all classroom doors can be locked from inside the classroom.
- Ensure all classrooms have easily deployed window coverings for all internal and external windows and glass partitions.
- Develop a plan for administrators to go to assigned areas throughout the campus during an incident.

- Have written procedures designating who is authorized to notify teachers, students, staff, etc. when the situation is over.

Training

- Ensure training for new teachers and staff is given a high priority.
- Brief substitute teachers and outside vendors with specific lockdown instructions upon arrival on campus.
- Train all teachers and support staff in what to do/not do if directly confronted with a potential school shooter.
- Conduct discretionary and unannounced drills in addition to the repetitive drills mandated by state law or school district policy.
- Provide ongoing education to students, teachers and support staff on the importance of reporting unusual or hostile behavior.
- Have quarterly meetings of school administrative teams that handle fire, earthquake or intruder incidents to stay current with practices and procedures.
- Offer annual crisis intervention training for all school teachers and support staff.

Debriefing

- Have performance critiques (debriefing) for all teams immediately following a drill.

Liaison with other stakeholders

- Develop procedures for action by school resource officers, when appropriate.
- Establish and work to maintain rapport and good communication between all stakeholders, especially police/fire/EMS.
- Provide school keys to police, sheriff and fire departments. Best solution has keys available to police departments that are color-coded to the campus maps so that responders know which areas or buildings need to be reached.
- Work with law enforcement to ensure there is at least one specifically identified sworn officer familiar with each school.
- Develop a protocol for notifying parents, media and others.

- Designate an assembly area away from the school where parents can wait until they can unite with their children.
- Develop and communicate a method of reporting an "all clear" to everyone.

Technology

- Establish drill-specific audible warnings.
- Develop a notification system (reverse telephone/cell/social media/e-mail procedure) for parents, public and media to keep them informed.
- Develop and ensure police/fire/EMS have a current detailed map of the school before there is any incident. Some of the best maps the Grand Jury examined were color-coded three-dimensional realistic views of school campuses.
- Have on campus a KNOX-BOX[®] Rapid Entry System for use by emergency personnel and first responders on the campus.
- Ensure 2-way radios are programmed to support use between schools and police/fire/EMS.
- Adopt current electronic technology such as electronic key access for police/fire/EMS and a wireless emergency notification and evacuation alert system for mass notification and instructions.
- Consider installing inexpensive wireless cameras in remote access areas of the campus that can be deployed as extra eyes during an emergency.
- Have school administrators in charge of managing the school's emergency wear distinctive identifying clothing (hat, vest, etc.).

Other best practices

- Ensure the only entrance to a school is through a single designated entry or that all are actively monitored.
- Have a procedure for sign-in and sign-out with current date name badges for approved visitors and enforce this procedure with no exceptions.
- Question any unfamiliar face on campus.