

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

(1) DEPARTMENT Administrative Office	(2) MEETING DATE 7/15/2014	(3) CONTACT/PHONE Leslie Brown - 805-781-5011	
(4) SUBJECT Request to approve the recommended response to the FY 2013-14 Grand Jury report titled "Kitchen Confidential: Do you know if your restaurant makes the grade?" and forward this response to the Presiding Judge of the Superior Court by August 4, 2014. All Districts.			
(5) RECOMMENDED ACTION It is recommended that your Board: 1. Adopt the proposed response prepared by staff to the Grand Jury report titled "Kitchen Confidential: Do you know if your restaurant makes the grade?" as the Board's response, and 2. Forward this response to the Presiding Judge of the San Luis Obispo Superior Court by August 14, 2014.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT ☒ Consent ☐ Presentation ☐ Hearing (Time Est. ____) ☐ Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS ☐ Resolutions ☐ Contracts ☐ Ordinances ☒ N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A ☐ 4/5 Vote Required ☒ N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY ☒ N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW This item was prepared by the Administrative Office			
(18) SUPERVISOR DISTRICT(S) All Districts			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Administrative Office / Leslie Brown, Administrative Analyst
805-781-5011

DATE: 7/15/2014

SUBJECT: Request to approve the recommended response to the FY 2013-14 Grand Jury report titled "Kitchen Confidential: Do you know if your restaurant makes the grade?" and forward this response to the Presiding Judge of the Superior Court by August 4, 2014. All Districts.

RECOMMENDATION

It is recommended that your Board:

1. Adopt the proposed response prepared by staff to the Grand Jury report titled "Kitchen Confidential: Do you know if your restaurant makes the grade?" as the Board's response, and
2. Forward this response to the Presiding Judge of the San Luis Obispo Superior Court by August 14, 2014.

DISCUSSION

The Grand Jury issued a report on June 5, 2014 based on their review of how the Health Agency informs the public about restaurant food safety. The Environmental Health Services Division of the Public Health Department in the Health Agency is responsible for monitoring, regulating and preventing the occurrence of foodborne illnesses. A key element of the Retail Food Safety program is regular inspection of restaurants in the county. The Grand Jury Report titled "Kitchen Confidential: Do you know if your restaurant makes the grade?" focuses on how the Health Agency informs the dining public about the food safety status of their favorite restaurants.

The Grand Jury report included six Findings and five Recommendations. The Board of Supervisors and the Health Agency are both required to respond to Findings 2 – 6 and Recommendations 1-5. The required response from the Health Agency is provided in Attachment 1. Staff is recommending that your Board adopt the response provided by the Health Agency as your Board's response.

OTHER AGENCY INVOLVEMENT/IMPACT

The Health Agency – Public Health Department prepared the response to the Grand Jury report.

FINANCIAL CONSIDERATIONS

There are no fiscal impacts associated with this response.

RESULTS

This response meets the legal requirements for responding to a Grand Jury Report with findings and recommendations under California Penal Code Section 933.05.

ATTACHMENTS

1. Response from the Health Agency
2. 2013-14 Grand Jury report titled "Kitchen Confidential: Do you know if your restaurant makes the grade?"



Public Health Department

Jeff Hamm
Health Agency Director

Penny Borenstein, M.D., M.P.H.
Health Officer



Public Health
Prevent. Promote. Protect.

TO: Leslie Brown, Administrative Office

FROM: Jeff Hamm, Health Agency Director
Penny Borenstein, MD, MPH, Health Officer

DATE: June 13, 2014

SUBJECT: Department Response to the 2013-14 Grand Jury Report "Kitchen Confidential:
Do you know if your restaurant makes the grade?"

The Health Agency/Public Health Department's Environmental Health Services (EHS) Division is responsible for monitoring, regulating and preventing the occurrence of foodborne illnesses; to promote the preparation, production and service of food in hygienic, properly equipped and maintained food facilities and to protect the health of the food worker by encouraging safe and sanitary on-the-job working conditions. The Retail Food Safety Program is the largest program in EHS amounting to nearly 30% of the workload for the entire Division.

The fiscal year 2013/2014 Grand Jury report focuses on communicating restaurant inspection ratings to the public. The Grand Jury recommends that the Health Agency implement an easily visible rating system that requires a food establishment to display the rating at the facility. This type of rating system is typically referred to as a placarding system and is not mandated by current State law. Based on a recent survey, nine of 62 jurisdictions in California have implemented this type of rating system. Several other jurisdictions are evaluating possible implementation of a similar placarding system. Two basic rating systems are used: an "A, B, C" rating card and a "Green, Yellow, Red" rating card. Criteria for the various ratings vary by county.

In addition, the Grand Jury recommends the use of social media and a simple dedicated (more user-friendly) website be used to provide food establishment safety ratings (scores) to the public.

Finally, the Grand Jury recommends that the Award of Excellence Program which was developed to provide incentive to the food facility operators to practice good food safety habits be used to promote those good food facilities to the public.

The Grand Jury requires the Health Agency to respond to Findings 2-6 and Recommendations 1-5. The following are the required responses.

FINDINGS

2. The Health Agency does not utilize a standardized visible restaurant rating system in San Luis Obispo County.

Response: The respondent agrees with the finding.

3. The Health Agency's existing website is not user-friendly in informing the public about restaurant food safety ratings.

Response: The respondent disagrees partially with the finding.

The existing webpage features upgrades over recent years which were designed to enhance ease of use. With one click from County or Department, as well as EHS, homepages a user can access the food facility inspection search engine. Listings of facilities are created by typing full or partial names of city/community, street, or facility. Findings from the past three years are then brought up for the particular facility queried. The webpage is being updated to provide the resulting list sorted by score (highest to lowest and lowest to highest) and alphabetically.

4. The Health Agency currently does not have a simple dedicated website to inform the public regarding restaurant food safety ratings.

Response: The respondent disagrees partially with the finding.

It is correct that a stand-alone or dedicated website to inform the public regarding restaurant food safety ratings is not available. The webpage is part of the Environmental Health Services website. A link to the webpage is available on the County homepage, the Health Agency homepage, the Public Health Department homepage and Environmental Health Services homepage. However, respondent believes it is simple to use (see response to Finding 3).

5. The Health Agency does not use social media to inform the public about restaurant food safety ratings.

Response: The respondent agrees with the finding.

6. The Health Agency's Award of Excellence Program is not effectively promoted.

Response: The respondent agrees with the finding.

The Award of Excellence Program was developed to provide incentive to food facility operators to practice good food safety habits. It was not intended to provide the public with information about which businesses received the Award of Excellence. The Award of Excellence is provided to the food facility operator at the time of the inspection and an annual list of recipients is included on the EHS website.

RECOMMENDATIONS

Recommendation 1:

The Health Agency should develop an easily visible restaurant rating system that all County food establishments be required to display including how to find the restaurant inspection information on-line.

Response: The recommendation will not be implemented because it is not warranted.

Posting only a letter grade or color coded placard provides very little information to the consumer about the conditions of the restaurant. Use of such a placarding system only provides the “score of the day” with no detail about what findings led to a reduced score or history of the facility. As such, programs that use this kind of system are known to result in more frequent inspections of facilities, which leads to exceeding workforce capacity and, more importantly, renders the scoring process less meaningful. The added work load caused by restaurant owner requests for re-inspections in order to improve their grade takes staff away from their primary mission of protecting public health.

In addition, cost-based fees would rise due to increased staff time in the Retail Food Safety Program. Based on existing data, 350 to 450 hours per year of staff time would be used to respond to requests for re-inspections in order to improve the rating of a food facility. At \$109 per hour, the cost of this service is between \$38,000 and \$49,000 per year. In order to pay for this service, fees would need to increase 4% to 5% if the cost were spread over all food facilities. If the business requesting the re-inspection were charged with paying the cost of the service, Environmental Health Services would need to add a fee of \$125 per re-inspection request to the County fee schedule to pay for the service.

In addition to the cost of providing the re-inspection service to improve the rating of a food facility, placards are estimated to cost between \$2,000 and \$3,000 for the first year and an estimated \$500 per year for replacement placards.

Recommendation 2:

The Health Agency should improve its existing website so the public can easily access County restaurant food safety inspection reports by name or local area.

Response: The recommendation has been implemented.

Environmental Health’s existing webpage provides food facility safety inspection results and can provide the information by name of food facility, street and local area (Templeton, San Luis Obispo, Morro Bay, Shandon etc.). By September 1, 2014, the webpage will also sort results alphabetically or by score; either lowest to highest or highest to lowest. There are links to the webpage on the County’s homepage, the Health Agency’s homepage, the Public Health Department’s homepage and Environmental Health Services homepage. It is also easily accessible through a Google search.

Recommendation 3:

The Health Agency, using their current database, should develop an additional simple website or webpage solely dedicated to county restaurants.

Response: The recommendation will not be implemented because it is not warranted.

See response to Recommendation 2. Because the existing webpage is easily accessible and includes all food facilities, a website or webpage solely dedicated to county restaurants is not warranted.

Recommendation 4:

The Health Agency's dedicated website or webpage should be linkable to social media.

Response: The recommendation has not been implemented, but will be implemented in the future.

The Department would like a link to the webpage regularly placed on Facebook, Twitter, etc. However, the current content management system that operates the County website does not easily accommodate mobile devices, integrates poorly with social media, is not compliant with the Americans with Disability Act and is difficult to update and use. The County has budgeted \$65,000 in Fund Center 266 – County Automation to develop a strategic plan for the County's E-Government presence and to issue a Request for Proposal for a new content management system. The ability of the Health Agency to link social media to the webpage is dependent upon these upgrades to the County's content management system. A timeframe for completion of this recommendation cannot be offered at this time.

Recommendation 5:

The Health Agency's Award of Excellence Program should be more effectively promoted.

Response: The recommendation will not be implemented because it is not warranted.

As indicated in the response to Finding 6, the Award of Excellence Program was developed to provide incentive to food facility operators to practice good food safety habits. Recipients are welcome to advertise their receipt of the award as part of their overall marketing efforts, but are not required to do so. A list of recipients is included on the Environmental Health Services webpage.