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SANTA CRUZ COUNTY
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Honoring Commitments to the Public

Review of 2020-21 Grand Jury Report Responses

Summary

The value of Grand Jury reports and recommendations comes when government agencies actually improve their transparency and efficiency. It typically takes two years for results to be measurable.

The 2023-24 Santa Cruz County Civil Grand Jury reviewed local government responses to three of the nine 2020-21 Grand Jury reports. The other six (6) reports were in compliance. The purpose was to determine whether the named local government officials and their agencies met their stated commitments. Following through on these commitments is required by California Penal Code section 933.05.

In two cases, the agencies promised to take action at some unspecified time in the future. This is not an appropriate response. The specific time action will be taken is required to be specifically stated.

The Grand Jury investigation on those two cases discovered that there was significant action taken, though in the case of one report Grand Jury recommendations were not fully implemented. In the third case, the specific recommendations could not be addressed due to changing circumstances. The reports reviewed, and agency actions, are below:

- *Santa Cruz County Agricultural Commissioner's Office Can Get By with a Little Help from its Friends*: The Commissioner's Office still has work to do. Four new recommendations have been made to address the original recommendation, which is still unmet.
- *Wildfire Threat to the City of Santa Cruz*: Commitments were partially met.
- *The CZU Lightning Complex Fire - Learn...or Burn?*: Commitment has been met.

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Background

Each year the Santa Cruz County Civil Grand Jury (Grand Jury) investigates local government operations. It then issues reports with the goal of improving government efficiency and effectiveness, and promoting accountability and transparency. The Grand Jury reports make recommendations for improvements. When called for in the report, elected local government officials and governing bodies are required to respond to the Grand Jury's findings and recommendations.

Each investigated organization receives a copy of the Grand Jury's report and a response packet that includes the instructions. They send their responses to the presiding judge of the Superior Court with a copy to the Grand Jury. Elected officials must respond within 60 days and governing bodies are required to respond within 90 days.

Only governing bodies and elected county officers are required to respond to Grand Jury reports. However, the Grand Jury may invite a response from other "responsible officers" such as the chief administrative officer of a government function.

Readers interested in a more comprehensive look at the Grand Jury reports and responses are encouraged to read the original reports and responses. All may be found on the County's Grand Jury web page in the Reports section.

Scope and Methodology

For this Honoring Commitments report, the Grand Jury reviewed responses to the following three 2020-21 reports:

- *Santa Cruz County Agricultural Commissioner's Office Can Get By with a Little Help from Its Friends.*^[1]
- *Wildfire Threat to the City of Santa Cruz*^[2]
- *The CZU Lightning Complex Fire – Learn...or Burn?*^[3]

The 2023-24 Grand Jury has followed up with the responding agencies for these selected reports. The Grand Jury wanted to know whether the agencies actually did implement recommendations as they said they would, or that they did the further analysis, and what the outcome was. Without follow-up these recommendations can fall by the wayside and drop out of public view.

Online research of websites, news articles, and published reports as well as interviews were all employed by the Grand Jury to investigate these issues.

Grand Juries are authorized to review report responses for each of the following categories. However, the responses in this report address only categories 2 and 3 as listed below:

1. HAS BEEN IMPLEMENTED – provide a summary of the action taken,
2. HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE – provide a timeframe or expected date for implementation,

3. REQUIRES FURTHER ANALYSIS – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
4. WILL NOT BE IMPLEMENTED – provide an explanation of why it is not warranted or not reasonable.

Investigation

1. Santa Cruz County Agricultural Commissioner's Office Can Get By with a Little Help from Its Friends

This report from the 2020-21 Grand Jury had to do with managing resident notification gaps related to agricultural pesticide applications near schools and neighborhoods.

The Watsonville City Council responded to public demands for advance notice of pesticide use in nearby neighborhoods with a City Council resolution.

It was believed that the Santa Cruz County Agriculture Commissioner's office could post the submitted and approved notices online, indicating that pesticide application was about to take place.^[1]

2020-21 R2: Recommendation by Grand Jury

Within six months, the Board of Supervisors should assess and initiate online posting, text, or email notification of pesticide applications for nearby neighborhoods.^[4]

2020-21 R2: Response and Explanation from Santa Cruz County Board of Supervisors

WILL NOT BE IMPLEMENTED – explain why

Our County has been engaged with community members residing next to farms that may have questions or want information about the use of pesticides. These engagement efforts are led by the Agricultural Commissioner who works with our growers and community members to encourage more communication.

The California Department of Pesticide Regulation (DPR) is in the early stages of assessing feasibility for a statewide notification program and DPR is the appropriate agency to lead these efforts to ensure a program that is equitable and consistent across the State.^[5]

2020-21 R3: Recommendation by Grand Jury

Within six months, the Board of Supervisors should lobby the state and the Department of Pesticide Regulation to require that specific location information useful to the public be included on forms such as the Restricted Material Permits and the Notice of Intent forms.^[4]

2020-21 R3: Response and Explanation from Santa Cruz County Board of Supervisors

WILL NOT BE IMPLEMENTED – explain why

These efforts are already underway by the California Department of Pesticide Regulation (DPR). DPR is in the early stages of engaging stakeholders on the development of a statewide pesticide notification program. DPR plans to have listening sessions with communities throughout the State later this year to receive feedback and comments regarding information that would be important as part of any notification process including more site-specific information. Input from communities and stakeholders will drive the specific information that will be included on notifications and whether Restricted Material Permits and Notices of Intent are the best outlets to provide this information. It is possible that notification information may be provided in a different format in an effort to make the information comprehensive.^[5]

2023-24 Grand Jury Follow-up to R2 and R3

Even though the responses to these recommendations were neither:

HAS BEEN IMPLEMENTED nor

HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE,

the 2023-24 Grand Jury assessed that the responses did require follow-up to assure the public that the issue is being addressed.

The 2023-24 Grand Jury did research on the California Department of Pesticide Regulation website, and interviewed personnel in the Santa Cruz County Agricultural Commissioner’s Office as well as officials of the City of Watsonville.^[6]

The Grand Jury learned that the DPR is indeed developing a new system of notification for agricultural pesticide applications statewide, called “Spray Days Now.” A preliminary version of that application has been tested in four California counties, including Santa Cruz County. The testing was done with the participation of the Santa Cruz County Agricultural Commissioner and several residential communities near agricultural fields.^{[6] [7] [8]}

The program has two modes of operation. The first is passive. It allows anyone to go to a specific website where they will be presented with a map of California. The user can then drill down on the map to their (or any) specific location and locate any planned pesticide application in that area. The second mode is more active. It allows a user to sign up to be notified anytime a pesticide application is to be made in an area near their home, business, school, etc.^[7]

This new program was initially scheduled to be rolled out in the spring of 2024, but due to various project issues it is now expected to be ready by spring of 2025.^[7]

The Grand Jury found, through interviews with officials at the county and city levels, that information about the new program being developed by the CDP has not been successfully communicated to impacted south county city officials.

The County Agricultural Commissioner's Office is the primary liaison to the state Department of Pesticide Regulation. The information in this section was largely furnished by the Commissioner's Office. To corroborate this data, fact finding with other agencies such as the City of Watsonville or Pajaro Valley School District was done. The Grand Jury did not observe content reflecting the plan on those agency websites and was not briefed on it by those agencies based on interviews.^{[8] [9]}

The Grand Jury did learn some good news from the County Agricultural Commissioner. As science progresses, less toxic pesticides are being developed and released regularly. This reduces the severity of health and environmental impacts in the community. There is also growth in the organic control of pests, again reducing hazards to the public. In addition, many growers in Santa Cruz County are now investing in artificial intelligence driven machines, such as one that goes through the crop fields and vacuums up any unwanted insect pests, and one that can selectively destroy weeds with laser beams, avoiding the crop plants. These methods further reduce negative impacts and allow the growers to continue producing high quality agricultural products.^[7]

Findings

- F1.** The California Department of Pesticide Regulation is developing a new system of notification for agricultural pesticide applications statewide and the proof of concept shows promise of being a good solution for notifying the public of pesticide application information in a timely manner.
- F2.** The Active and Passive modes of notification will allow access to members of the public in a manner of their choosing. Some people are comfortable signing up for notifications, others are not and would prefer to look up the information anonymously. This appears to provide most people the option to choose the method with which they are most comfortable.
- F3.** Because project delays have put off the release of the new system until the Spring of 2025, rather than 2024 as originally proposed, it is even more important that the public be made aware of what the new system will provide to them.
- F4.** As science progresses, less toxic pesticides are being developed and released regularly, and growers are finding acceptable alternatives to many pesticides. Less toxic pesticide use in Santa Cruz county is leading to lower risks to human and environmental health.
- F5.** Communication between the Agricultural Commissioner's Office and other south county officials concerning pesticide management is not adequate, leading to a higher risk to human health.

Recommendations

- R1.** The Grand Jury recommends that the Office of the Agricultural Commissioner makes known to City of Watsonville officials and various governmental agencies information about advances in agricultural pest control, including less toxic pesticides and alternative methods of pest eradication. This information should be shared by September 30, 2024. (F4, F5)
- R2.** The Grand Jury recommends that the Office of the Agricultural Commissioner inform the public about advances in agricultural pest control, particularly to residents in areas commonly exposed to pesticide applications. This should be completed by October 15, 2024. (F4, F5)
- R3.** The Grand Jury recommends that the Office of the Agricultural Commissioner makes known to City of Watsonville officials and various governmental agencies, information about the “Spray Days Now” notification system being developed by the state DPR. Information should be shared by September 30, 2024. (F1, F2, F3, F5)
- R4.** The Grand Jury recommends that the Office of the Agricultural Commissioner communicate information to the public about the “Spray Days Now” notification system being developed by the state DPR, especially in areas impacted by pesticide use. This should be completed by October 15, 2024. (F1, F2, F3, F5)

2. Wildfire Threat to the City of Santa Cruz

The Grand Jury of 2020-21 investigated the high risk probability of wildfires, especially in areas surrounding the City of Santa Cruz known as the Wildland Urban Interface Area (WUI). The Grand Jury wanted to know how the high risk of wildfires was being addressed and our level of preparedness. The 2020-21 report specifically addressed the issue of homeless encampments and how they contributed to wildfire risk in WUI areas of the city.^[2]

2020-21 Grand Jury Report, Recommendation R2

In the next three months, the City Council needs to have more transparent and formal coordination with the county on management of homeless resources.^[2]

2020-21 R2: Response and Explanation from Santa Cruz City Council

Has not yet been implemented but will be in the future.

The 2x2 Committee, consisting of the City’s Mayor and Vice Mayor as well as the County Supervisors from Districts 3 & 5, meets every other week on homelessness issues. The Mayor and Vice Mayor provide a verbal report on those discussions at Council meetings on a monthly basis. County/City coordination through the Homeless Action Partnership has not been as transparent as it could be; however, the County has proposed a new charter to regional participants and it should increase transparency. It has been adopted by the HAP and is proceeding with consideration by cities and the county.^[2]

2023-24 Grand Jury Follow-up and City Response to R2

The following is an excerpt from the Office of the City Manager of Santa Cruz in response to the Grand Jury's request for their follow-up to recommendations made in the 2020-21 Grand Jury report Wildfire Threat to the City of Santa Cruz:

City and County representatives began informally meeting in 2016. In January of 2018, both the City and the County formalized their respective agencies' participation and communication through a committee known as the 2x2. The 2x2 was composed of two members from the County Board of Supervisors and two members from the City Council to improve coordination between the agencies regarding homelessness issues. The goal was to form a regional response, in partnership with the County, to strengthen City efforts to improve how we respond to the homelessness crisis.

In January of 2022, the Santa Cruz County Housing for Health Partnership (H4HP) Policy Board was created to replace the Homeless Action Partnership (HAP) oversight groups. The newly created H4HP serves as the federally designated Housing and Urban Development Department (HUD) Continuum of Care (CoC) Board for Santa Cruz County and coordinates resources, programs, and services focused on preventing and ending homelessness.^{[10][11]}

Prior to the creation of the H4HP Policy Board, the HAP CoC oversight groups included staff from the County's four cities, the County, a member of the health sector, members from various non-profits serving the homeless community, and those with lived experience. The HAP groups did not include elected officials. Subsequently, changes were made to the CoC governance structure to ensure broader and deeper engagement of City and County leaders in the CoC planning and decision-making process, with the additional option to include elected officials from the cities and the County on the Policy Board. The current Policy Board membership overlaps with individuals historically involved with the 2x2 and HAP. The City of Santa Cruz has two seats on the policy board, which may be filled by elected officials, government staff, or other citizens. Therefore, the 2X2 was eliminated, however staff continue to meet on a bi-weekly basis. to collaborate on projects of mutual interest related to homelessness.^{[12][13][14]}

Grand Jury research found that the Santa Cruz County Housing for Health Partnership is in place. This group is a collaboration between the County's Human Services Department and a coalition of partners and resources for the purpose of preventing and ending homelessness within our County. The partnership includes a wide variety of members from the community including Santa Cruz City Council members, Board Supervisors, agency representatives, and County senior-level employees.

In March 2019 the Partnership began developing the Healthy Santa Cruz County Strategic Framework. The Framework contains steps aimed to reduce "unsheltered and overall homelessness countywide by January 2024." The Framework outlines a detailed plan to accomplish this goal.^[15]

With regard to the City Manager’s response to 2020-2021 Recommendation R2, the City has met its commitment to formally collaborate with the County for the purpose of managing homeless resources and reducing homelessness in our County.

2020-21 R8: Recommendation by Grand Jury

In the next six months, the City Council should produce a detailed plan and accounting of how the federal and state homeless funds are used.^[2]

2020-21 R8: Response and Explanation from Santa Cruz City Council

Has not yet been implemented but will be in the future.

The City has detailed information on how all state and federal funds received to date have been spent. The City received additional, direct funding from the state as part of the current state budget, and the requirements for how that will be spent and what that will fund are still to be determined. Similarly, direct funding from the American Rescue Act will go towards homelessness, but specifics related to that spending and the associated limitations are still to be determined. City staff are working with a consultant to provide a consolidated report on various City expenditures, including prior and upcoming state and federal fund expenditures.

2023-24 Grand Jury Follow-up and City Response to R8

The following is an excerpt from the Office of the City Manager of Santa Cruz in response to the Grand Jury’s request for their follow-up to recommendations made in the 2020-21 Grand Jury report Wildfire Threat to the City of Santa Cruz:

A detailed plan for the use of funds was originally developed in March of 2022. The cost projections were revised in May of 2022. Further updates to the budget were presented to the City Council in December of 2022. During the budget presentations to the City Council for FY24, a summary of expenditures was presented to the City Council on May 23, 2023.^{[12][16]}

The City’s response to the Grand Jury’s 2020-21 report states that the City has “detailed information on how all state and federal funds received to date have been spent.” Yet no such information appears to have been provided.

The City’s FY 2024 Annual Budget attached to the May 23, 2023 City Council meeting contains only high level revenue and expenditure line items for Homeless Response Program Funds. Revenues of \$14M in 2022 appear to be a lump sum to be spread over an unknown number of years. Overall expenditure figures for 2022 (actual), 2023 (adopted budget), and 2024 (adopted budget) total approximately \$20M.

Finding

- F6.** With regard to the City Manager’s response to Recommendation R8, the City’s FY 2024 Annual Budget does not provide a detailed plan and accounting of how homeless funds have been used. The City’s response only partially fulfilled its commitment to make related budget figures available.

Recommendations

- R5.** Within 90 days the City Manager should publish the figures that their initial response indicated were available for prior for years. (F6)
- R6.** Within 90 days the City should publish the summary of expenditures as presented to the City Council in May 2023 that expand on the figures provided in the FY 2024 Annual Budget. (F6)

3. The CZU Lightning Complex Fire – Learn...or Burn?

The CZU Lightning Complex fires of August 2020 were ignited by over three hundred lightning strikes in the counties of Santa Cruz and San Mateo. The fires burned for thirty seven days creating the largest wildfire in the history of Santa Cruz County. The 2020-21 Grand Jury wanted to know how the governmental response to the fire measured up and whether it could be deemed prepared for the next wildfire eventuality.^[3]

2020-21 R3: Recommendation by Grand Jury

Within the next six months, the Board of Supervisors should require that CAL FIRE produce timely after-action reports for all major incidents.^[3]

2020-21 R3: Response and Explanation from Santa Cruz County Board Of Supervisors

Requires further analysis

CAL FIRE, as County Fire has participated in County after action reviews and participates in monthly coordination meetings with law enforcement, CAO, and The County Fire Chiefs Association met to discuss lessons learned and continues to meet and work together. Substantive concerns at the State level are outside the local span of control to address. County Fire and its State CAL FIRE partners provided a professional response under considerable strain from the magnitude of this incident.^{[3][17]}

2023-24 Grand Jury Follow-up and Santa Cruz County Board Of Supervisors Response to R3

The following is the response from the Director of the Office of Response, Recovery and Resiliency (OR3), David Reid, on behalf of the Board of Supervisors 2023-24:

CAL FIRE has and will participate in After Action Reviews conducted by the County Office of Response, Recovery and Resilience for all major incidents that impact the County. OR3 is coordinating closely with CAL FIRE as County Fire on Wildfire Prevention activities, the County of Santa Cruz Emergency Operations Plan update, and alert and warning practices.^{[17][18]}

In addition to the above statement from the Office of Response, Recovery and Resiliency, the Grand Jury acquired a copy of a report titled *2020 CZU Lightning*

Complex Fire: After-Action Report and Improvement Plan, published on December 7, 2021.^[19] The purpose of the report was to provide an analysis of the strengths and weaknesses of the Emergency Operation Center’s (EOC) core capabilities and identify improvement strategies.

The County of Santa Cruz and coordinating response partners held feedback sessions in order to assess the successes and failures of the CZU response. CAL FIRE is listed in Appendix C of the After-Action Report as a contributing partner although it is difficult to determine to what extent CAL FIRE participated.

These sessions produced an extensive list of emergency management program opportunities for improvement and functional gaps. At the time the report was published, working groups had been meeting weekly to bi-weekly to address the prioritized improvement goals. At that time several process improvements had been completed. Several others were under development or not yet started.

The 2023-24 Grand Jury is pleased with the thoroughness and completeness of the response to the Grand Jury’s recommendation.

Finding

F7. The joint effort between CAL Fire and OR3, as well as many other partners listed in the report, to improve preparedness for future wildfires is well-documented in the above-mentioned *After-Action Report and Improvement Plan*. Furthermore, the Grand Jury’s recommendation that this undertaking commence within 6 months of the Grand Jury report publication did take place in the allotted time period. However, the Grand Jury did not find the original report or any published updates to the initial report that included progress towards the report’s stated objectives. Such publications would reassure the public that wildfire preparedness is a priority and is being addressed.

Recommendation

R7. The Grand Jury requests an update as to the progress to date of the objectives outlined in the December 2021 After-Action Report in Appendix A: CORE CAPABILITIES / IMPROVEMENT PLAN and further requests that the OR3 publish this update on its website. (F7)

Conclusion

As previously mentioned in the Summary, the 2023-24 Grand Jury reviewed responses to three of the nine 2020-21 reports and found that, to varying degrees, commitments were kept. In some cases, the agencies are implementing recommendations but it’s not clear if the actions are in response to the Grand Jury or whether they were instigated by the agencies. The Grand Jury continues to recommend that all organizations create and regularly update formal records of the actions they take to address Grand Jury recommendations, and to share those records with the public, in accordance with CA Penal Code section 933(c).

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F5, F7	R1–R4, R7	90 days September 16, 2024
Santa Cruz City Council	F6	R5, R6	90 days September 16, 2024

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Agricultural Commissioner	F1–F5	R1–R4	90 days September 16, 2024
Santa Cruz City Manager	F6	R5, R6	90 days September 16, 2024
Director, Santa Cruz County Office of Response, Recovery and Resiliency	F7	R7	90 days September 16, 2024

Definitions

- CAO:** Chief Administrative Office
EOC: Emergency Operation Center
DPR: Department of Pesticide Regulation
H4HP: Housing for Health Partnership
HUD: US Department of Housing and Urban Development
OR3: Office of Response, Recovery and Resiliency
WUI: Wildland Urban Interface area
HAP: Homeless Action Partnership

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Housing for a Healthy Santa Cruz County Strategic Framework
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City of Santa Cruz FY 2024 Annual Budget
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