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EMERGENCY OPERATIONS CENTER ACTIVATION

SUMMARY

Following the oil spill at Refugio State Beach in May 2015, questions were raised concerning the use and perceived “take over” of the County of Santa Barbara’s (County) Emergency Operations Center (EOC) by a non-governmental entity, Plains All American Pipeline. This is an Activity Report by the 2015-16 Santa Barbara County Civil Grand Jury (Jury) pertaining to the use of the EOC. The Jury found that the activation of the EOC during the oil spill was in compliance with federal, state, and local laws.

METHODOLOGY

Members of the Jury toured the EOC, reviewed documents and media reports, interviewed staff, and attended a public meeting of the County’s Disaster Council.

OBSERVATIONS

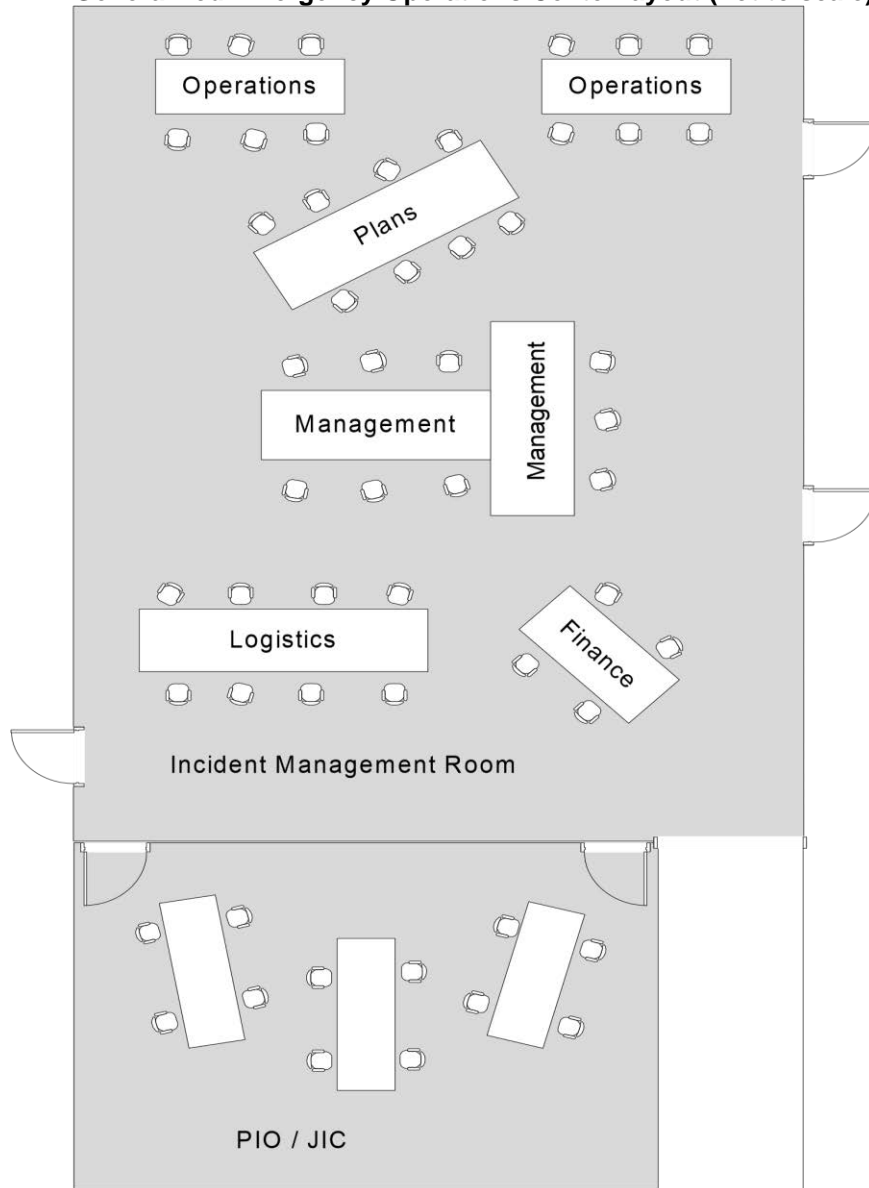
Keeping the public informed is a major function of the Office of Emergency Management (OEM) staff at the EOC, located at 4408 Cathedral Oaks Road in Santa Barbara. Emergency 911 calls can be connected to the EOC. Reverse 911 calling can be engaged and staff are in the process of implementing the use of Everbridge in the near future. Everbridge is a mass notification system that can notify people of emergencies by text or email. The EOC is currently monitoring software for an Earthquake Early Warning (EEW) system, which will provide vital seconds of advanced warning for those who receive the message on their computer or mobile phone to drop, cover, and hold. The EEW system is being designed to, in the future, stop trains, automatically open garage doors, elevator doors and the doors to fire stations. The national emergency announcement system equipment (seen and/or heard over radio and television) is also housed at the EOC. EOC staff conducted a Threat and Hazard Identification and Risk Assessment concerning the coastline and determined that installation of warning sirens at the beach (like there are in Hawaii and elsewhere) is not necessary. Staff also encourages the public, through press releases and other means, to be prepared for emergencies by maintaining kits in their homes, businesses, and cars. Lastly, the OEM updates its website, <http://countyofsb.org/ceo/oem/>, in near real time with wind, wave, and other advisories.

The EOC is a meeting facility and communications center where County staff and others can work together to manage major emergencies. Coordination of emergency efforts is the primary reason for the existence of the EOC. Types of major emergencies are listed on the EOC website where organizational structures are documented in the 254 page *Emergency Management Plan*. The Jury was informed that the plan is in the process of being updated. Policies and guidelines in the plan comply with federal, state, and county emergency protocols that have been

EMERGENCY OPERATIONS CENTER ACTIVATION

established to provide consistency in terminologies, job descriptions, communication paths, and legal requirements. Among other things, the guidelines enumerate the "seats at the table", or agencies involved, depending on the type of emergency. Personnel contact lists for government, media, and supporting private contract agencies are maintained at the EOC. When the EOC is activated, the logistics, operations, finance, fire, law enforcement, and public information functions each has a designated functional area in the EOC incident management room as indicated in the following diagram, obtained from the OEM's *Emergency Management Plan*.

SANTA BARBARA OPERATIONAL AREA EMERGENCY OPERATIONS CENTER DIAGRAM Generalized Emergency Operations Center layout (not to scale)



EMERGENCY OPERATIONS CENTER ACTIVATION

Since its construction in 2011, the EOC has been activated several times to offer support in response to community emergencies such as wildfires and drought emergency declarations. The EOC is also used for training exercises that simulate how County staff, other agencies and first responders will respond to various emergencies such as an earthquake, tsunami, wildfire, flooding, or pandemic influenza. For example, the EOC was activated on November 26, 2013, for an Offshore Platform Security Threat Awareness and Response (OPSTAR) exercise.

Although there are no national requirements for emergency training of elected officials, they are encouraged to participate in training exercises whenever available. In recognition of this fact, the OEM is planning to host two separate training sessions in 2016. Also, in conjunction with the State, OEM is preparing to conduct an oil spill workshop that will include training for elected officials as the response requirements are fundamentally different for that type of disaster. The Jury supports these efforts.

THE REFUGIO OIL SPILL

The most recent EOC activation, on May 21, 2015, was in response to the Plains All American Pipeline oil spill near Refugio State Beach. The activation raised questions about the role of government in the activation and use of the EOC facility. The Jury learned that in this case, the County EOC was acting as a “landlord” to the Unified Command that was formed in response to the oil spill. This operational method is typical of such incidents as mandated by federal, state, and local laws and conforms to the Santa Barbara County Operational Area Oil Spill Contingency Plan (OSCP) <http://countyofsb.org/ceo/asset.c/276> .

The OSCP, which is presently being updated, was prepared in accordance with *Title 14 of the California Code of Regulations (CCR)*. It identifies four participants in the Unified Command in the event of a marine oil spill. The participants are the Federal On-Scene Coordinator (FOSC), the State Incident Commander (SIC), the “Responsible Party” (RP), and the County of Santa Barbara, known as the Local On-Scene Coordinator (LOSC). This list of participants is per a written Memorandum of Understanding (MOU), found on page 43 of the OSCP, between the OEM and the State of California’s Office of Spill Prevention and Response (OSPR). The MOU follows *Title 14 of the CCR* and allows County input into the management of any oil spill within its boundaries.

In the case of the May 2015 oil spill, the RP was Plains All American Pipeline. The principal advantage to having the RP participate as part of the Unified Command is that they are, in most cases, liable for all damages and costs incurred as a result of an oil pollution incident. Having the financially responsible party in the room, “with a checkbook”, can expedite logistical activities and reduce response time. The presence of Plains All American Pipeline in the same room with the federal, state, and local on-scene coordinators is understandable and in compliance with federal, state, and local regulations and plans. In addition, it is also in compliance with the OSCP. Because the spill affected the ocean, the Coast Guard was the lead agency, and FOSC, and had 51% of the vote in the Unified Command. Therefore, the Coast Guard was, in effect, renting the EOC from the County during the incident. More information about the Refugio Oil Spill and clean up can be found at: <http://www.refugioresponse.com/go/doc/7258/2522638/>

CONCLUSION

The 2015 – 2016 Santa Barbara County Grand Jury found that the activation of the Emergency Operations Center on May 21, 2015, was done in compliance with the Santa Barbara County Operational Area Oil Spill Contingency Plan and applicable county, state, and federal laws.

Under *California Penal Code Section 933.05*, this report does not require a response.

WATER VALVE SAFETY

Status of Air Vacuum Air Release Valves on the South Coast Conduit

INTRODUCTION

The 2015-2016 Santa Barbara County Grand Jury (Jury) has completed an investigation of the United States Bureau of Reclamation's (USBR) water delivery system from Lake Cachuma through the Tecolote Tunnel into the South Coast Conduit (SCC) which delivers approximately 85 percent of the water to the South Coast. This 26 mile water delivery conduit has 26 air vacuum valves located between the intake valve at the Cater Water Treatment Plant and the Carpinteria Reservoir. The USBR owns the SCC which is contracted to be operated and maintained by the Cachuma Operations and Maintenance Board (COMB), a California Joint Powers Agency formed in 1956 pursuant to an agreement with the USBR. COMB is responsible for the distribution of water to the communities of the South Coast of Santa Barbara County through the Tecolote Tunnel and operation and maintenance of the SCC pipeline. COMB also operates and maintains the flow control valves, meters, and instrumentation¹.

BACKGROUND

Air vacuum air release (AVAR) and combination valves maintain the flow of water forward in the conduit. When AVAR valves are below the surface, existing pressure in the conduit prevents untreated water from entering the line. The USBR inspected the SCC in 2012 and found all 26 AVAR valves to be deficient and in need of replacement. The USBR issued a demand for a Corrective Action Plan (CAP) to COMB which required that repairs be completed. The USBR recommended repairs be completed in low water demand months to minimize the impact on users in case of a shut-down.

METHODOLOGY

The Jury interviewed area water department officials and staff, as well as certified drinking water quality specialists, and engineers. The Jury visited the Cater Water Treatment Plant and viewed satellite and street view images of the locations of the six air valve vaults that have not yet been repaired.

¹ <http://www.cachuma-board.org/aboutus/history.htm>

WATER VALVE SAFETY

OBSERVATIONS

The Jury found 20 of the 26 AVARs were replaced as recommended. The remaining AVARs, located in Montecito and Carpinteria, are on the project work agenda. The project is presently ahead of schedule with the last phase scheduled for completion in 2017-2018. The last six valves are in especially difficult areas to reach. Some are in vaults below ground and some are buried in the middle of Highway 192. The municipal water districts test the water quality weekly at many points along the conduit and at its end point in Carpinteria Reservoir. No contamination has been found. Replacement of the six remaining valves will require a section of the conduit to be shut down and the water drained. This will require coordination with CalTrans as the roadway may be closed for an unknown amount of time while the valves are moved and repairs made.

The Jury was informed that although the last six valve replacements are not scheduled to be completed until 2017-2018, work has not started for several reasons. The process of saving and diverting the water drained from the conduit requires substantial planning and agency cooperation. Drought conditions have added to the challenges of replacing the valves because current low groundwater levels may not be sufficient to meet customer needs during the shutdown. If the repairs are done before the drought ends, the work may result in water customers beyond the repair areas to be without water service while the conduit is shut down. Lastly, draining the conduit could result in extra concern for firefighters in obtaining the necessary water in the event of a fire.

CONCLUSION

The 2015-2016 Santa Barbara County Grand Jury found that 20 of the recommended 26 air vacuum air release valves on the South Coast Conduit have been replaced as recommended and ahead of schedule. Six of these air vacuum air release valves have not been replaced, but are on the project work agenda to be completed by 2017-2018. Although the project is currently ahead of schedule, the challenging valve locations as well as the current drought conditions make it an inopportune time to replace these valves. All the water quality specialists, engineers, and officers interviewed unanimously agreed there is no current threat of contamination because the constant high water pressure within the conduit prevents infiltrates from entering the conduit. All the experts agreed there will be contamination only if a breach of the conduit occurs due to an earthquake or other catastrophic event.

Under *California Penal Code Section 933.05* this report does not require a response.

CITY OF SANTA BARBARA HARBOR OPERATIONS Are Boat Owners' Property Taxes Slipping Away?

SUMMARY

The 2015-16 Santa Barbara County Grand Jury (Jury) received requests for investigation from citizens concerning certain operations of the Waterfront Department; specifically some questions concerning the harbor in the City of Santa Barbara. Complainants expressed concern with the fact that the department not only collects a slip transfer fee and monthly rent on slips; but property taxes are also collected from boat owners by the County of Santa Barbara, despite the fact that the slips are city property. Questions were also raised about the Department's policies concerning vessel operability and people living on their vessels. Lastly, a concern was raised about vessel registration numbers (CF numbers). The Jury found that, on these particular issues, the harbor is operating within applicable state and local regulations, as well as within harbor policy.

METHODOLOGY

Members of the Jury interviewed city and county staff and reviewed several documents and websites.

BACKGROUND

The Jury received requests to investigate operations at the harbor in Santa Barbara. The requests highlighted several areas, including:

- Payment of Property Taxes on Boat Slips
- Operability of Vessels
- Live-Aboard Permits
- Vessel Registration

OBSERVATIONS

The Waterfront Department (Department) of the City of Santa Barbara (City) is operated as an enterprise fund and includes three divisions: the Waterfront Business Management Division (Business), the Waterfront Facilities Management Division (Facilities), and the Waterfront Harbor Management Division (Harbor). As an enterprise department, all expenses incurred by the Department must be paid out of revenue brought in by the Department. No operating expenses are paid out of the general fund of the City, and all funds generated must be kept within the Department. For Fiscal Year 2015, the Department realized a net operating gain of \$252,178 between total department operating revenue of \$15,106,278 and total department operating

CITY OF SANTA BARBARA HARBOR OPERATIONS

expenses of \$14,854,100. According to staff, any net operating gains are put into the Department's capital fund each year. \$4,810,766 of the Department's operating revenue, or approximately 32%, was derived from slip fees and slip transfer fees.

The Jury noted in its review that one required project has a positive effect on the Department's budget every year. Twice a year, in the spring and fall, the Federal Channel at the entrance to the harbor must be dredged. Because the Harbor is designated as a "harbor of safe refuge", the Army Corps of Engineers (Corps) has performed this work at no cost to the City of Santa Barbara or its citizens. Historically, the Corps has allocated approximately \$2,500,000 per year for dredging the Federal Channel, including bathymetric surveys, biological surveys, permitting, and other dredging related activities. Department staff expects that the City would incur these expenses if it had to take over dredging the Federal Channel from the Corps.

The Jury also learned about another source of revenue for the Department, the revenue derived from cruise ships (\$5 per person including crew). Within the last few years, the number of cruise ships approved to dock at Santa Barbara increased from four or five per year to almost thirty. The Waterfront Director decides how many cruise ships will visit and includes the number in the Department's budget presentation to the City Council each spring. No cruise ship visits are approved during the busy summer season, May to September. Department staff stated that they have not received complaints about the cruise ships and encouraged any interested citizen to request the topic be added as an agenda item at City Council or Harbor Commission meetings.

In addition to the City Council of Santa Barbara, the Department is overseen by the Harbor Commission (Commission), which is a volunteer advisory board. The Commission consists of seven commissioners appointed by the city council. The Commission is responsible for making recommendations to the city council on all matters pertaining to the operation of vessels and watercraft within the Harbor and the Department including, but not limited to, rules and regulations, rates and fees, budgets, equipment, facilities, materials and supplies. In the rare case of a slip contract termination, the Commission has the final word.

Payment of Property Taxes on Boat Slips

In addition to transfer fees and monthly slip rents, amounts that can often add up to thousands of dollars¹, complainants questioned why the County of Santa Barbara can collect property taxes on the slips, as they are owned by the City of Santa Barbara. It is general knowledge that state and local governments are exempt from property taxation.² Why is it, then, that the City can rent out its property (the slip) and require the slip holder to pay property taxes?

The jury learned that when the boat owner rents a slip at the harbor, he or she obtains a private interest in government owned property. Because he or she has the exclusive right to that slip by renting it from the City, he or she must pay unsecured³ property taxes. This is in accordance with the regulations of the California State Board of Equalization, which define "taxable possessory interests" to include the right to "actual physical occupation" of publicly-owned

¹ Appendix A is the current City of Santa Barbara Waterfront Department Slip Fee Chart, based on City Council Resolution No. 15-055, June 24, 2015.

² <http://www.boe.ca.gov/lawguides/property/current/ptlg/ccp/XIII-3.html>

³ <https://www.countyofsb.org/ttcpapg/taxcoll/glossary.aspx>

property “pursuant to rights not granted to the general public,” “such as ... a permit to use a berth at a harbor” (California Code of Regulations, title 18, section 20). Each slip has a parcel number. Every January, Harbor staff sends the County Assessor’s office a list of slip numbers and the name(s) of the people who rent them. This information is used to generate tax bills (see Appendix B for sample tax statements).

Operability of Vessels

The Jury looked into questions raised concerning the operability of vessels in the Harbor. It was found that operability is regulated by Santa Barbara Municipal Code (SBMC) TITLE 17 Section 17.20.255 (B), titled “Moored Vessels Must be Operable”⁴. The Harbor enforces operability in several ways. When the vessel is put into the slip, and when/if it is sold, operability is proved. If a complaint is received from other vessel owners or the public, Harbor staff investigates and follows up to prove operability. In addition, “Marina 1” is currently undergoing renovation. (A marina, in this case, being the “finger” where smaller boats are docked in slips.) As it is renovated, all vessels are required to relocate to other areas of the harbor, thus proving their operability. Lastly, staff makes numerous visual observations of vessels daily.

Live-Aboard Permits

Complainants to the Jury expressed concerns with the perception that there are more people living on their vessels than are permitted by city regulations. SBMC TITLE 17, Chapter 17.18⁵ contains the rules for people living on their vessels (commonly known as “live-aboards”). Up to 113 permits may be issued by the Harbor at any given time. Per Department staff, 100 live-aboard permits were active at the writing of this report. Besides the applicant (who must be the current slip permittee), up to four other occupants may be added to the live-aboard permit. In addition to following up on any complaints, staff monitors live-aboards during the thousands of foot patrols they conduct in the harbor throughout the year. In fact, staff informed the Jury that they appreciate the live-aboard population because they are “the eyes and ears” of the harbor, and are often the first to observe and report fires and other safety issues.

Vessel Registration

The Jury learned that the Department of Motor Vehicles (DMV)⁶ of California requires that every vessel not documented by the U.S. Coast Guard be registered with the DMV. With a few exceptions, every sail powered vessel over eight feet in length and every motor driven vessel regardless of length, must be registered and have a CF (vessel registration) number provided by the DMV. This is the vessel equivalent of automobile registration. The CF number must be on the bow of the vessel and include a current registration sticker. It is the policy of Harbor staff, beginning in January, to go through the entire harbor once a year, and verify that all vessels are registered and are in the correct slip. Violators are given a phone call, a letter, and/or a posting on their vessel. Ultimately, tickets are issued if the CF stickers are not current.

⁴ <http://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=12166>

⁵ Ibid.

⁶ <https://www.dmv.ca.gov/portal/dmv/detail/boatsinfo/boatreg>

CONCLUSION

The 2015-16 Santa Barbara County Grand Jury found that the collection of property taxes on boat slips at the City of Santa Barbara Harbor is being done in compliance with applicable state law. State law and internal policies are being followed concerning vessel registration. Lastly, it was found that city staff is following Santa Barbara Municipal Code TITLE 17, Harbor, and its internal policies concerning the operability of vessels and live-aboard permits.

Under *California Penal Code Section 933.05*, this report does not require a response.

CITY OF SANTA BARBARA HARBOR OPERATIONS

Appendix A



Effective: July 1, 2015

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

SLIP FEE CHART							NOTES:
Slip Size (in feet)	Rate per Foot	Boat Length	Monthly Rent	Security Deposit	Transfer Fee	Total	
20	8.43	20	\$ 168.60	\$ 337.20	\$ 4,000.00	\$ 4,505.80	Note 1: Transfer fees are \$200 per foot for 20' slips, \$350 per foot for 25' slips. All other slips @ \$400 per foot
20	8.43	21	\$ 177.03	\$ 354.06	\$ 4,200.00	\$ 4,731.09	
20	8.43	22	\$ 185.46	\$ 370.92	\$ 4,400.00	\$ 4,956.38	
25	8.83	25	\$ 220.75	\$ 441.50	\$ 8,750.00	\$ 9,412.25	Note 2: All side-ties with power and water are subject to the rates on the slip fee chart.
25	8.83	26	\$ 229.58	\$ 459.16	\$ 9,100.00	\$ 9,788.74	
25	8.83	27	\$ 238.41	\$ 476.82	\$ 9,450.00	\$ 10,165.23	
25	8.83	28	\$ 247.24	\$ 494.48	\$ 9,800.00	\$ 10,541.72	
28	9.05	28	\$ 253.40	\$ 506.80	\$ 11,200.00	\$ 11,960.20	Note 3: All side-ties without power and water are \$7.35 per foot per month (length of boat).
28	9.05	29	\$ 262.45	\$ 524.90	\$ 11,600.00	\$ 12,387.35	
28	9.05	30	\$ 271.50	\$ 543.00	\$ 12,000.00	\$ 12,814.50	
28	9.05	31	\$ 280.55	\$ 561.10	\$ 12,400.00	\$ 13,241.65	Note 4: Fisherman's floats are \$4.90 per foot per month.
30	9.25	30	\$ 277.50	\$ 555.00	\$ 12,000.00	\$ 12,832.50	
30	9.25	31	\$ 286.75	\$ 573.50	\$ 12,400.00	\$ 13,260.25	
30	9.25	32	\$ 296.00	\$ 592.00	\$ 12,800.00	\$ 13,688.00	
30	9.25	33	\$ 305.25	\$ 610.50	\$ 13,200.00	\$ 14,115.75	Note 5: All rates are based on the SLIP size. If a boat is 28' in length, but is assigned to a 25' slip, it is to be assessed at the rate for a 25' slip with a 28'
35	9.66	35	\$ 338.10	\$ 676.20	\$ 14,000.00	\$ 15,014.30	
35	9.66	36	\$ 347.76	\$ 695.52	\$ 14,400.00	\$ 15,443.28	
35	9.66	37	\$ 357.42	\$ 714.84	\$ 14,800.00	\$ 15,872.26	
35	9.66	38	\$ 367.08	\$ 734.16	\$ 15,200.00	\$ 16,301.24	
40	10.05	40	\$ 402.00	\$ 804.00	\$ 16,000.00	\$ 17,206.00	
40	10.05	41	\$ 412.05	\$ 824.10	\$ 16,400.00	\$ 17,636.15	
40	10.05	42	\$ 422.10	\$ 844.20	\$ 16,800.00	\$ 18,066.30	
40	10.05	43	\$ 432.15	\$ 864.30	\$ 17,200.00	\$ 18,496.45	
43	10.30	43	\$ 442.90	\$ 885.80	\$ 17,200.00	\$ 18,528.70	
43	10.30	44	\$ 453.20	\$ 906.40	\$ 17,600.00	\$ 18,959.60	
43	10.30	45	\$ 463.50	\$ 927.00	\$ 18,000.00	\$ 19,390.50	Live-aboard \$140.00 T/C Live-aboard 50%
43	10.30	46	\$ 473.80	\$ 947.60	\$ 18,400.00	\$ 19,821.40	
45	10.47	45	\$ 471.15	\$ 942.30	\$ 18,000.00	\$ 19,413.45	Note: All slips over 70' will need to be calculated individually when determining transfer fees and security deposits
45	10.47	46	\$ 481.62	\$ 963.24	\$ 18,400.00	\$ 19,844.86	
45	10.47	47	\$ 492.09	\$ 984.18	\$ 18,800.00	\$ 20,276.27	
45	10.47	48	\$ 502.56	\$ 1,005.12	\$ 19,200.00	\$ 20,707.68	
50	10.85	50	\$ 542.50	\$ 1,085.00	\$ 20,000.00	\$ 21,627.50	
50	10.85	51	\$ 553.35	\$ 1,106.70	\$ 20,400.00	\$ 22,060.05	
50	10.85	52	\$ 564.20	\$ 1,128.40	\$ 20,800.00	\$ 22,492.60	
50	10.85	53	\$ 575.05	\$ 1,150.10	\$ 21,200.00	\$ 22,925.15	
60	11.79	60	\$ 707.40	\$ 1,414.80	\$ 24,000.00	\$ 26,122.20	
60	11.79	61	\$ 719.19	\$ 1,438.38	\$ 24,400.00	\$ 26,557.57	
60	11.79	62	\$ 730.98	\$ 1,461.96	\$ 24,800.00	\$ 26,992.94	
60	11.79	63	\$ 742.77	\$ 1,485.54	\$ 25,200.00	\$ 27,428.31	
70	12.79	70	\$ 895.30	\$ 1,790.60	\$ 28,000.00	\$ 30,685.90	
80	13.87	80	\$ 1,109.60	\$ 2,219.20	\$ 32,000.00	\$ 35,328.80	
90	15.06	90	\$ 1,355.40	\$ 2,710.80	\$ 36,000.00	\$ 40,066.20	
100	16.33	100	\$ 1,633.00	\$ 3,266.00	\$ 40,000.00	\$ 44,899.00	

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