

GRAND JURY LEGACY: RESPONDING TO RECOMMENDATIONS

INTRODUCTION

Each San Luis Obispo County Grand Jury (Grand Jury) reinforces the effect and influence of the prior year's Grand Jury by tracking the agencies' responses to the recommendations made by that Grand Jury. Agencies and government entities are required by California Penal Code Sections 933 and 933.05 to respond to the final report's findings and recommendations of each year's Grand Jury. The 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 the recommendation, an explanation must be provided. When an agency decides to implement a recommendation, it is agreeing to provide improved services to the public. The Grand Jury posts all its reports and each agency's responses on-line every year.¹ The 2012-2013 Grand Jury issued eight reports last year: five were investigative reports with recommendations requiring responses and three reports were informational with no recommendations or required responses. The 2013-2014 Grand Jury collected and reviewed the follow-up data for the five response-required reports, requiring a total of 69 responses from various governmental agencies. This year's Grand Jury also followed up on 16 "to be implemented" responses from three 2011-2012 Grand Jury reports.

¹ www.slocourts.net/grandjury

Notable Responses

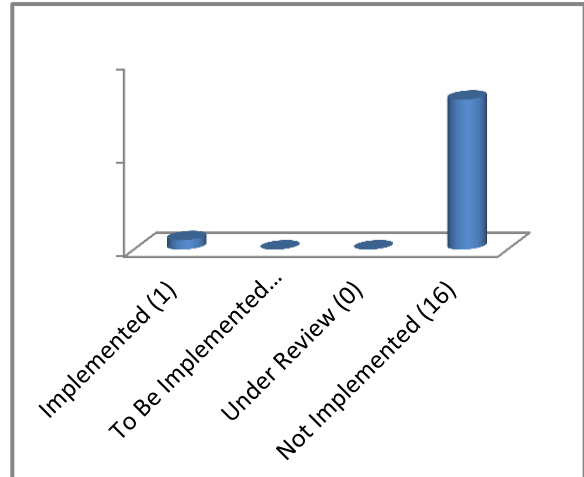
The primary goal of any Grand Jury's investigation is to call attention to the practices and procedures of local government and, if warranted, request that issues be addressed and/or corrected. While this Grand Jury found that about two-thirds of last year's report recommendations have been or will be implemented, the remainder will not. When Grand Jury recommendations are rejected or not implemented cost is often the stated reason as noted in the responses to the "County Jail" and "Consolidation of Public Dispatch Systems" reports. In other cases, such as the "An Event is an Event – an Impact Is an Impact" report, the San Luis Obispo County Board of Supervisors disagreed wholly or in part with the Grand Jury findings. Further, the recommendations based on those findings will not be implemented because the Board stated they "are not warranted" or "are not reasonable" and that any implementation is "ultimately up to the Board." The responses to last year's Grand Jury are summarized in the table below.

Response Status to 2012-2013 Grand Jury Recommendations

Report	Implemented	To Be Implemented	Not Implemented	Total
1. Consolidation of Public Safety Dispatch Systems	1		16	17
2. County Jail, Juvenile Hall, Holding Cells	4		2	6
3. E-mail Accessibility to City Governments	6			6
4. An Event is an Event – An Impact is an Impact	12	2	8	22
5. Trouble in Templeton's CSD	12	6		18
Total	35	8	26	69

1. CONSOLIDATION OF PUBLIC SAFETY DISPATCH SYSTEMS

The 2012 – 2013 Grand Jury investigated the possibility of consolidating the police dispatch systems of Arroyo Grande and Grover Beach and recommended a central dispatch center under the auspices of the Sheriff’s Department. It became apparent that an additional but less in-depth look into California Department of Forestry and Fire Protection (CAL FIRE) and Five Cities Fire Authority dispatches was desired. The five parties represented in this Grand Jury investigation were the Sheriff’s Department, Arroyo Grande Police, Grover Beach Police, CAL FIRE and the Five Cities Fire Authority. [Five Cities Fire Authority serves Grover Beach, Arroyo Grande, Oceano, Oceano Dunes Recreation Area and Halcyon.]



The parties provided 17 detailed responses to the Grand Jury’s recommendations albeit not with complete agreement among the parties and the Grand Jury. The responses for fire dispatch and police dispatch services differ as indicated in the following paragraphs.

The primary focus of last year’s Grand Jury investigation was the feasibility of consolidating public safety dispatch services in the cities of Arroyo Grande and Grover Beach and was undertaken through direct interviews. Consolidating police and other safety dispatch services has the potential to save significant financial resources that might be better used for other police department needs. At the police department level and city administration level, Arroyo Grande is appreciative of the possible efficiencies of a consolidation. Grover Beach on the other hand is not convinced that consolidating dispatch is currently cost effective based on their past studies. Those studies have included in substantial detail both full police department consolidation and

dispatch consolidation. While there are very real current costs associated with consolidation, any savings would only be known after the consolidation is completed. The police departments and the Sheriff's Department currently have a working relationship. Both police departments stated that a loss of responsiveness and autonomy, real or perceived, may be an impediment to consolidation. To move forward a specific financial proposal from the Sheriff would likely be necessary and that proposal would have to be actively pursued with Arroyo Grande and Grover Beach. Arroyo Grande may be more receptive to a consolidation than Grover Beach.

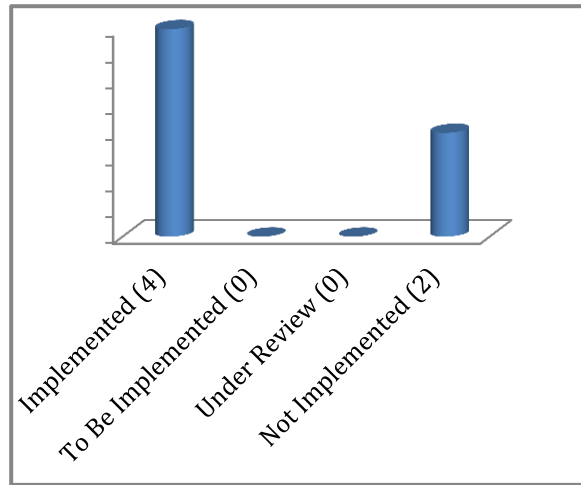
Since the 2012-2013 Grand Jury's report, *The Tribune* reported on October 8th and 9th of 2013, Arroyo Grande is implementing a temporary police dispatch consolidation with the Sheriff's Department as part of their police station renovation. The cost associated with this temporary dispatch consolidation is \$40,000. If this 'test drive' at consolidation proves successful and cost effective, a future contract with the Sheriff may result. Such a contract would not include Five Cities Fire Authority dispatching. In 2014, Arroyo Grande's fire dispatch responsibilities were contracted to Grover Beach's safety dispatch.

The fire dispatch services, CAL FIRE and Five Cities Fire Authority, are too different in terms of size and function to embrace consolidation. CAL FIRE is a large and well-equipped statewide agency whereas Five Cities Fire is a small community-focused service organization. In responses to the Grand Jury, these parties stated they already coordinate well with each other. Communication systems and direct resources, including equipment, are coordinated on a routine basis through the "Automatic Aid Operational Plan." CAL FIRE could consolidate dispatch if asked. Five Cities Fire gets dispatch at no-charge from Arroyo Grande and Grover Beach and has little incentive to join a for-charge dispatch system at CAL FIRE. They are proud of their local and community support functions and would need a South County dispatch facility to make consolidation acceptable. It should be noted that the Sheriff indicated his office does not want responsibility for fire dispatch.

These responses adequately addressed the Grand Jury's Findings and Recommendations. However, it is clear the communities and the parties are not yet ready to consolidate the public dispatch systems.

2. COUNTY JAIL, JUVENILE HALL AND HOLDING CELLS

California law states that the “Grand Jury shall inquire into the condition and management of the public prisons within the county.” The San Luis County Grand Jury follows this mandate by visiting San Luis Obispo Juvenile Hall, County Jail, and County temporary holding facilities each year. The report of this inquiry by the Grand Jury is often simply informative, but in 2012-2013 there were six recommendations:



County Jail

- The Sheriff’s Office plans to build the new women’s jail should be a top priority.
- The Sheriff’s Office vigilance and strategies for contraband detection should be increased during jail admitting and visitations this year.

Juvenile Hall

- The Juvenile Hall Handbook on the website should be updated.

Holding Cells

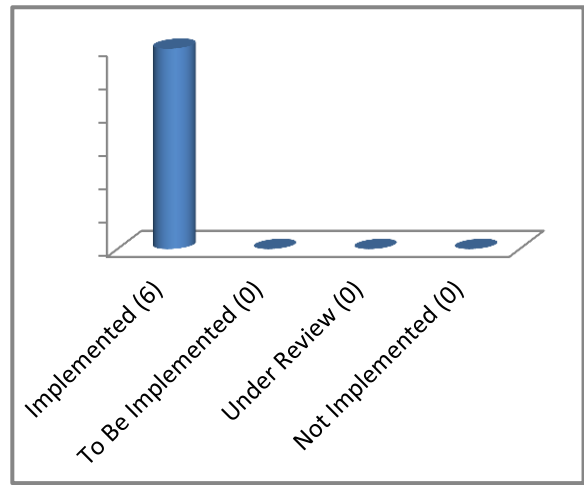
- The Courthouse Correctional Officers should explore an alternate route for wheel chair bound prison inmates other than through public corridors.
- The Sheriff’s Office improve staff restroom facilities in the County Courthouse holding cells using AB 109 funds.²
- The Sheriff’s Office should install a new surveillance system in the County Courthouse holding cells using AB 109 funds.

The first recommendation has been implemented as ground breaking occurred in February of 2014. The second recommendation has been implemented to the extent allowable by law. The third recommendation has been implemented and confirmed by the Grand Jury. The fourth and fifth recommendations cannot be implemented by the Sheriff’s Office as physical modifications to the Courthouse are the State’s responsibility and AB 109 funds are not allowed for this purpose. The sixth recommendation has been implemented without utilizing AB 109 funds.

² AB 109, the 2011 Public Safety Requirement Act, was enacted to reduce overcrowding in California State prisons. Each California county shall receive a funding allotment based on a statewide formula.

3. E-MAIL ACCESSIBILITY TO CITY GOVERNMENT

Following a formal complaint, the 2012-2013 Grand Jury investigated e-mail access to city council members. It found the cities of Arroyo Grande, Atascadero, Morro Bay, Paso Robles, Pismo Beach and San Luis Obispo all had e-mail access to their city council members. One Grand Jury recommendation was addressed to the City of Grover Beach: create an official e-mail address for each city council member and department head and list them on the city website. In 2014, this recommendation was implemented.

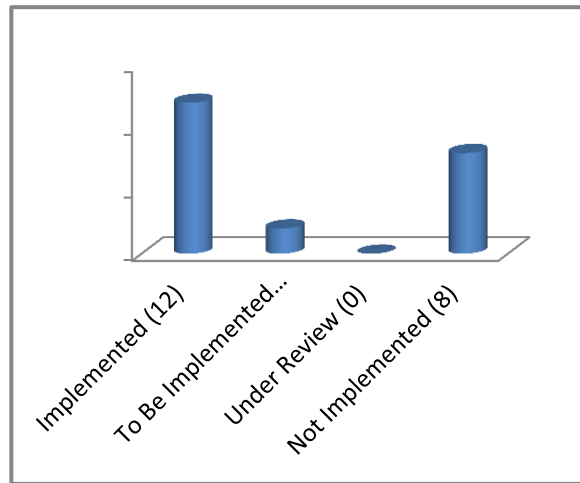


The Grand Jury noted only Arroyo Grande and San Luis Obispo had Brown Act Disclosures³ relating to the use of official e-mails on their respective websites. Subsequently, the Grand Jury made a recommendation to Atascadero, Grover Beach, Morro Bay, Paso Robles and Pismo Beach to include similar Brown Act disclosures on their websites. As of October 30, 2013, these five cities have implemented this recommendation.

³ Government Code Section 54950-54963. Open & Public IV, A Guide to the Ralph M. Brown Act, 2nd edition, revised July 2010. League of Cities.

4. AN EVENT IS AN EVENT - AN IMPACT IS AN IMPACT

The 2012-2013 Grand Jury report was a comprehensive assessment of over eight years of effort among the County Planning and Building Department (Planning), the County Planning Commission and the County Board of Supervisors (the Board) to revise the existing Land Use Ordinance for Temporary Events adopted 33 years ago in 1980. The 2012-2013 Grand Jury concluded the existing Temporary Events Ordinance is “outmoded, brief, vague and obsolete” and, without the adoption of proposed revisions, “ineffectual.”



The 2012-2013 Grand Jury report contained reviews of the permit application process, permit exemptions, public safety, traffic control, parking, hours of operation, amplified sound, lighting, code enforcement and the complaint process. The 2012-2013 Grand Jury made 12 specific recommendations requiring 22 responses. Planning responded to 10 recommendations. Although the Board was required to respond to 12 recommendations, it directly responded to only two and indicated agreement with Planning’s 10 responses.

The 2013-2014 Grand Jury applauds Planning for responding favorably to seven of 10 Grand Jury recommendations. Six have been implemented: hiring additional staff, increasing fees, recovering code enforcement costs, establishing a complaint policy, modifying its website and maintaining a complaint log. One recommendation is yet to be implemented, streamlining the permit process. For further information, see Appendix A.

Of the three remaining recommendations addressed by Planning, the first, a comprehensive amendment, is awaiting Board direction. The second, conducting on-site monitoring of large-scale events, is partially implemented “when appropriate.” Planning stated a third recommendation, that of exercising professional judgment in waiving permit conditions on a

case-by-case basis, will not be implemented as it is prohibited by state law. Overall, Planning has done extensive work attempting to write a Temporary Event Amendment that could be approved by the Board.

The Board's 12 responses included support for and agreement with Planning's 10 responses discussed above; they rejected the two remaining recommendations:

1. The Amendment should define guidelines to mitigate event impacts; for example, noise, dust, traffic and parking;
2. In the Amendment adopted by the Board, the same regulations regarding environmental impacts, public safety and community relations should apply to all events (for-profit, non-profit, traditional or new).

The response by the Board to both of these recommendations started with this phrase: "The recommendation will not be implemented because it is not warranted or is not reasonable."

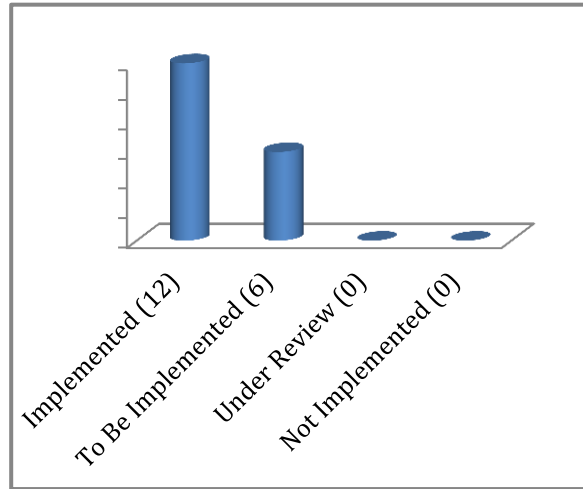
Included in the remainder of the Board's responses were phrases such as "ultimately up to the Board," "a legislative act of the Board," "ultimately the Board's decision," "The Board determines," and "but it will be up to the Board whether to retain these guidelines in the adopted version." Additional response language included "the content of an amendment...is ultimately up to the Board..." and "It will be up to the Board whether to retain these standards if they choose to adopt any amendments to the existing ordinance." This last phrase can be interpreted to mean there is now a possibility there will never be an amendment.

The San Luis Obispo County Board of Supervisors makes it emphatically clear, after over eight years of discussion, that this is a political and financial issue which depends entirely on the Board for meaningful action. The Planning Department may continue to send their proposed amendment to the Board; however, it appears the Board is avoiding providing clear guidance.

Bottom line: If there is to be an amended Temporary Event Ordinance, the Board must act. The 2013-2014 Grand Jury recognizes the political and financial environment in which the Board operates; however, the public is entitled to know why the Board considers the amendment "unwarranted or unreasonable." Our County residents need and deserve better than an "outmoded, brief, vague and obsolete" temporary events ordinance.

5. TROUBLE IN TEMPLETON'S COMMUNITY SERVICE 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 (the Board) and the TCSD General Manager. The resultant Grand Jury report is a complex document with multiple legal and statutory references (Brown Act, Public Records Act, etc.) and numerous findings and recommendations. It's worth a read to



refresh your memory. As a result of the November 2012 election, the Board members made a significant start in a much-needed turnaround, including hiring a new General Manager in 2013.

The Grand Jury also looked at the perceived unwillingness of the Board to provide an adequate forum for public comments and publication of appropriate information from executive (closed) meeting topics. The Grand Jury compiled a list of specific problems and recommended remedies for them.

The Grand Jury report had 12 findings and nine recommendations addressed to both the Board and the General Manager ranging from: “The 2012 Board of Directors . . . has behaved as a dysfunctional group . . .”; to “... the Board has not had adequate training in management techniques [for] ... dealing with District employees, the public [in meetings] ... and ... the General Manager.” The recommendations required nine responses each from the General Manager and the Board of the TCSD. In addition to hiring a new General Manager, the Board addressed inappropriate actions by a Board member as well as replacing ineffective policies, procedures and regulations.

The TCSD's responses were comprehensive. The Board stated in a June 2013 response that changes had been made to address the dysfunction. There does seem to be a positive change from the December 2012 and January 2013 investigative period. The Board's responses tended to assert that problems of public discourse with the Board and incorrect communication to district staff were short term as a new Board and General Manager assumed their responsibilities. With respect to the longer term problems, Brown Act training, state mandated CSD governance practices and updated personnel procedures, the Board and the General Manager have implemented positive actions. The Board reaffirmed their adherence to the Brown Act, particularly as it concerns closed meetings. A Brown Act training seminar occurred in January 2013. A facilitator held a team-building workshop for the Board in November 2013. The General Manager is actively pursuing greater continuing education of Board members through the statewide CSDA (California Special Districts Association). A comprehensive set of personnel rules and regulations was unanimously adopted at the December 17, 2013 Board meeting.

The General Manager, hired in June 2013, reiterated the Board's responses. The General Manager's intent in his responses was to "update the [2012-2013] Grand Jury" and commit to "transparency from my perspective as General Manager." This response is based on a short tenure. While the new GM appeared sincere, the Grand Jury recognized that he is in a sensitive position due to ongoing scrutiny by the Board.

There remain some management conflicts on the Board that may be resolved through time and/or elections. Since many of the agreed-to responses, such as "While significant steps have been taken...will be implemented in the near future," require faith that implementation is completed or ongoing. The current Templeton Community Services District merits ongoing oversight of the specific issues raised by the 2012-2013 Grand Jury.

2011-2012 REPORT RECOMMENDATION FOLLOW-UP

In addition to reviewing recommendation responses generated from 2012-2013 Grand Jury reports, the current Grand Jury also looked at the 2011-2012 report recommendations. Three of seven reports made recommendations to which agencies replied, “to be implemented.” This year’s Grand Jury followed up to ensure that these recommendations had been implemented. As of the date of this report, all recommendations but one (Paso Robles update of Personnel Rules/Regulations) are in the process of being or have been implemented. The following paragraphs highlight the 2011-2012 responses.

Law Enforcement Property and Evidence Rooms

The 2011-2012 Grand Jury recommended that Arroyo Grande, Morro Bay, Paso Robles and the San Luis Obispo County Sheriff’s Department conduct a full audit of their property and evidence rooms. All four agencies agreed this recommendation would be implemented in the future. Morro Bay, Paso Robles and the County Sheriff have fully complied. Arroyo Grande conducted a limited audit and will do a full audit when they return to their remodeled police station. It was also recommended Arroyo Grande provide proper ventilation for seized drugs/narcotics and this has now been implemented.

It was also recommended that the Morro Bay personnel assigned to property/evidence rooms continue their training and update their knowledge through professional organizations. This training has now been completed.

The recommendation to the County Sheriff’s Department was to utilize the services of P.O.S.T.⁴ or a qualified consultant in the management of its property/evidence room. This recommendation has yet to be implemented due to the time it has taken to move all of the property/evidence to the new storage room. At the conclusion of the move, the Sheriff’s Office advised it will reevaluate the timing of an outside audit.

⁴ P.O.S.T., Peace Officer Standards and Training, established in 1959 by the State Legislature, sets minimum standards for the selection and training of California Law enforcement employees.

The 2011-2012 Grand Jury recommended the District Attorney's Office should develop a formal property retention/destruction policy that will assist each law enforcement agency with the proper retention/destruction of property evidence. This has now been accomplished.

Are Paso Robles School Budgetary Woes a Lesson for Other Districts?

The 2011-2012 Grand Jury recommended school district governing boards establish a policy requiring that new board members attend educational sessions pertaining to district budgeting and financial oversight. Both Pleasant Valley Joint Elementary and Paso Robles School Districts responded that all board members have attended budget oversight/development and fiscal accountability training sessions in 2012-2013 and will continue to do so.

Pay Me Now or Pay Me Later: City Employee Vacation and Sick Leave Accumulation

One recommendation of the 2011-2012 Grand Jury was that all jurisdictions review their accumulated city employee vacation time and implement steps to address accumulation of and payment for vacation time. In July 2012, Atascadero adopted its revised Personnel System Rules, which includes accrued vacation leave, and plans to address the payment of accumulated leave. Arroyo Grande has negotiated reductions in leave accumulations with all employees. Several Paso Robles employee groups negotiated new contracts which include modified vacation formula language; contract discussions continue with two remaining groups (Fire and Police).

Another recommendation was to update Personnel Rules and Regulations to reflect new Memoranda of Understanding and current vacation accumulation policies. Grover Beach and Arroyo Grande are in the process of updating their personnel policies and regulations. Paso Robles, which the Grand Jury found to be in major violation of its own employee vacation accumulation policies, stated that the City will consider a comprehensive update of its Personnel Rules and Regulations when community priorities and resources allow.

CONCLUSION

By and large, most of the 2012-2013, as well as the 2011-2012, Grand Jury recommendations have been implemented. Several will not be implemented and eight are still in progress. Following is a table showing the recommendations still to be implemented.

2012-2013 Grand Jury Recommendations “To Be Implemented”

Report	To Be Implemented
An Event is an Event – An Impact is an Impact	2
Trouble in Templeton’s CSD	6
Totals	8

REQUIRED RESPONSES

This is an informational report. No response is necessary.

Presiding Judge	Grand Jury
Presiding Judge Dodie Harman Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

APPENDIX A

“AN EVENT IS AN EVENT – AN IMPACT IS AN IMPACT”

Of the seven Grand Jury recommendations accepted by Planning, the following six have been implemented.

The Planning Department should ...

- **Hire additional code enforcement staff.** During the 2013-2014 fiscal year budget, the Board increased the Department by a 0.5 full time equivalent (FTE) Resource Protection Specialist (code enforcement). Complaints will be investigated and followed up by existing staff which currently includes the recent 0.5 FTE addition.
- **Add a nominal fee to the initial permit application fees for code enforcement.** “The Department’s fee schedule includes four condition compliance fees ... that can be collected at the time of the land use permit approval. ... The County’s Land Use Ordinance additionally provides for full cost recovery when formal administrative or judicial actions are initiated to remedy a violation.”
- **Establish a system to recover from the event sponsors the actual costs for additional expenses related to enforcement of code violations.** Besides the initial permit application fees for code enforcement described above, the Department’s fee schedule also includes a series of code enforcement and hourly fees that can be charged during a code enforcement investigation.
- **Have a policy for how long it takes to initially respond to a complaint.** The Department’s Budget Performance Measures states “All complaints reviewed with[in] 10 working days.” According to the Department’s records presented to the Board, all complaints received in 2012-2013 were reviewed within the allotted 10 days.
- **Maintain a log of all code enforcement complaints received that includes how and when they were resolved and a description of the actions taken.** The Department does have a tracking system that logs all code enforcement cases, contains notes on how cases were resolved and the actions taken.

- **Modify its website to clearly describe the complaint procedure for an event and identify a specific code enforcement staff member and phone number.** The Department reports that the following information can be found on the Code Enforcement page of its website: the Code “enforces the regulations and ordinances of (sic) in order to maintain a healthy, safe and clean environment for the citizens of the county. The Code Enforcement Unit of the Department of Planning and Building is responsible for enforcing land use and local environmental laws in the unincorporated areas of the County of San Luis Obispo. Land use laws are sometimes called zoning laws, and include regulations on storage, parking, construction, substandard and dangerous structures, mining, resource removal, signs, area standards and noise. A case will be opened and investigated within 10 working days. You will not be contacted by the County unless additional information is required. Your personal information will be kept confidential, but you may be called into court if the case is prosecuted and your witness statement is required.”

The following recommendation is to be implemented. As of February 2014, it has not been implemented.

- **Planning Department needs to streamline the permit process.** In its response, the Department addresses the current permit process for commercial events with more than 3,000 attendees. This requires a hearing before the Board of Supervisors. The Department states not only do the proposed ordinance amendments delete this process, but it also includes a ministerial permit level, which is a streamlined process. If the Board does not adopt the proposed ordinance amendments prior to June 2014, the Planning Department will request that the Board authorize the preparation of Title 22 amendments that would move the Outdoor Entertainment permit requirements from Title 6 into Title 22. By doing so, an applicant holding events would need to apply only once per site for a land use permit. This would streamline the existing process for large commercial events by eliminating the currently required Board of Supervisor’s public hearing for every event held on that site.