


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

(1) DEPARTMENT Administration/Planning and Building		(2) MEETING DATE July 21, 2009		(3) CONTACT/PHONE Vincent Morici (805) 781-5020	
(4) SUBJECT Request to approve recommended responses by the Board of Supervisors to the 2009 Grand Jury report titled "Sale of Oceano Dunes Parcels: Error or Deception." The request includes approval and transmittal of the Board's recommended response, along with the responses by the Planning and Building Department, to the Presiding Judge of the Superior Court by August 2, 2009.					
(5) SUMMARY OF REQUEST The 2009 Grand Jury prepared a report based upon their investigation of a citizen complaint that a report, prepared by the Planning and Building and presented to the San Luis Obispo Planning Commission, omitted significant information and misrepresented County land use policy. The Grand jury identifies three (3) findings and three (3) recommendations requiring response by the Planning and Building Department and the Board of Supervisors. Recommended responses by the Board of Supervisors and the response by the Planning and Building Department are included with this item.					
(6) RECOMMENDED ACTION It is recommended that your Board adopt the recommended Board of Supervisors response to the Grand Jury report titled "Sale of Oceano Dunes Parcels: Error or Deception" and transmit this response and the response by the Department of Planning and Building to the Presiding Judge of the Superior Court, with copy to the Foreperson of the Grand Jury.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR FINANCIAL IMPACT N/A		(9) ANNUAL COST N/A	(10) BUDGETED? N/A <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
(11) OTHER AGENCY INVOLVEMENT/IMPACT (LIST): The Administrative Office worked with the staff of the Planning and Building Department as part of the examination of the Grand Jury's Findings and Recommendation for this report.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All			(14) LOCATION MAP <input type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board <input type="checkbox"/> N/A
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig) <input type="checkbox"/> Contracts (Orig + 3 Copies) <input type="checkbox"/> Ordinances (Orig) <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Email Resolution and Ordinance to CR_Board_Clerk (in Word)		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____			(21) W-9 <input type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date N/A
(23) ADMINISTRATIVE OFFICE REVIEW 					

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. D430 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



To: Board of Supervisors
From: Vincent Morici, Administrative Analyst
Date: July 21, 2009
Subject: Responses to 2008-09 Grand Jury Report – “Sale of Oceano Dunes
Parcels: Error or Deception”

JIM GRANT
INTERIM COUNTY ADMINISTRATOR

RECOMMENDATION

It is recommended that your Board of Supervisors adopts the recommended responses, identified as Attachment 1 to this Board letter, as the Board of Supervisor’s responses to the 2008-09 Grand Jury report titled “Sale of Oceano Dunes Parcels: Error or Deception” and forward the responses, along with the responses by the Planning and Building Department, shown as Attachment 2, to the Presiding Judge of the Superior Court and the Grand Jury by August 2, 2009.

DISCUSSION

The Grand Jury issued a report on June 10, 2009 based upon their investigation of a citizen complaint that a report prepared by the Planning and Building and presented to the San Luis Obispo Planning Commission, omitted significant information and misrepresented County land use policy. The Grand Jury report contains a total three (3) findings and three (3) recommendations. The report addresses an issue whereby information related to information which was not included in the staff report discussing the conformity of proposed sale of 584 acres of County owned property in the La Grande Beach Tract in the Oceano Dunes to the California State Parks. The Grand jury believes that the omitted information was either the result of poor staff work or an intentional act. The response by the Planning and Building Department identifies that the omission of information was an error by the staff preparing report, and not an intentional act.

The report requires the responses to Findings and Recommendations as identified below:

- San Luis Obispo Department of Planning and Building is required to respond to Findings 1-3 and Recommendations 1-3.

- San Luis Obispo Board of Supervisors is required to respond to Findings 1-3 and Recommendations 1-3.

This report includes the following Attachments.

Attachment 1 – Recommended Response by the Board of Supervisors to the Grand Jury Report

Attachment 2 – July 9, 2009 Planning and Building Department Responses to the Grand Jury Report

Attachment 3 – 2008-09 Grand Jury report titled “Sale of Oceano Dunes Parcels: Error or Deception”

Responses from the County Department of Planning are due to the Presiding Judge by August 2, 2009. The responses from the Board are due to the Presiding Judge by September 1, 2009. The County Administrative Office procedures include coordinating the departmental responses to Grand Jury reports and preparing recommended responses on behalf of the Board of supervisors. The departmental responses to this Grand Jury report are attached and, where appropriate, incorporated as the Board's response.

OTHER AGENCY INVOLVEMENT/IMPACT

The County Administrative Office reviewed the responses to the Grand Jury report prepared by the Department of Planning and Building in the development of the recommended Board responses to this report.

FINANCIAL CONSIDERATIONS

Costs for preparing this response are included in the current department budget.

RESULTS

This response will meet the legal requirements and time frames for responding to a Grand Jury report with findings and recommendations.

ATTACHMENT 1

Recommended Response by the Board of Supervisors to the Grand Jury Report of June 2009 on the “Sale of Oceano Dunes Parcels: Error or Deception”

The San Luis Obispo County Board of Supervisors has the following responses to the Grand Jury's Findings 1-3, and Recommendations 1-3 contained within the report titled: "Sale of Oceano Dunes: Errors or Deception."

GRAND JURY FINDINGS

1. The failure to include the "Figure 4 map" and references to it in the staff report was at best inept staff performance or at worst deliberate deception.

Recommended Board of Supervisors Response

The Board of Supervisors partially disagrees with the finding and adopts the response by the Department of Planning and Building as the Board of Supervisors Response to this Finding (see attached response by the Department of Planning and Building shown as Attachment 2).

2. The staff report was a crucial element in an important decision by the Planning Commission and it was only public testimony at the Commission hearing that prevented a decision counter to approved land use policy.

Recommended Board of Supervisors Response

The Board of Supervisors partially disagrees with this finding and adopts the response by the Department of Planning and Building as the Board of Supervisors Response to this Finding (see attached response by the Department of Planning and Building shown as Attachment 2).

3. The staff report concluded that the sale of County land to State Parks was in compliance with County land use policy, a conclusion consistent with the report only because of the omission of the "Figure 4 map" and related text.

Recommended Board of Supervisors Response

The Board of Supervisors partially disagrees with this finding and adopts the response by the Department of Planning and Building as the Board of Supervisors Response to this Finding (see attached response by the Department of Planning and Building shown as Attachment 2).

GRAND JURY RECOMMENDATIONS

1. The Planning Commission should require relevant source documents accompany reports from the Planning and Building Department.

Recommended Board of Supervisors Response

The recommendation will not be implemented because it is not warranted. The recommendation is already a part of the Planning and Building Department procedures and practice.

2. The Planning Commission should direct Planning and Building Department staff to indicate to the Planning Commission if any source documentations were altered in preparing reports and provide reasons for such alterations.

Recommended Board of Supervisors Response

The recommendation will not be implemented because it is not warranted. The recommendation is already a part of the Planning and Building Department procedures and practice.

3. Training procedures for staff charged with report development should be reviewed and changed so as to prevent the omission or misrepresentation of significant documentary evidence.

Recommended Board of Supervisors Response

The recommendation will not be implemented because it is not warranted. The recommendation is already a part of the Planning and Building Department procedures and practice.