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GRAND JURY SANTA BARBARA COUNTY

Honorable James E. Herman

July 1, 2016

Presiding Judge

Superior Court

County of Santa Barbara

Dear Judge Herman,

On behalf of the 2015 - 2016 Santa Barbara County Grand Jury, I am honored to present this final report to you and the citizens of Santa Barbara County. The reports within this final report have been posted on the Grand Jury website at sbcgj.org and are available to the public. As responses are received from the various agencies and elected officials, they will also be posted on the website.

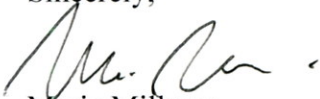
This past year the Grand Jury has written reports covering concerns with the water supply from Lake Cachuma, conflict of interest, oak tree protection and medical intake procedures at the Santa Barbara County Jail. These and the Jury's nine other reports have received extensive media coverage including print media, television and radio coverage, plus online news.

This year the Grand Jury conducted several activities to increase public awareness of the work of the Grand Jury, and to recruit future jurors. These activities included its continued introduction of its social media accounts on Facebook and Twitter. These accounts are used to help increase visibility and coverage of published reports and are a different approach aimed at reaching a new demographic of readers. The Grand Jury, with the help of the Superior Court Executive Officer, Darrel Parker, received a public proclamation from the Santa Barbara County Board of Supervisors, declaring the month of February to be "Grand Jury Awareness Month". Two teams of speakers were dispatched throughout the county to increase public awareness of the functionality of the Grand Jury. Finally, the Grand Jury conducted a ceremony to present an award from the California Grand Jury Association to the editor of the Lompoc Record. The award was the "Media Excellence in Reporting Award", given for the newspaper's 25 articles published regarding a 2012 Grand Jury Report titled "A Failure of Oversight: Lompoc Housing and Community Development Corporation".

I want to extend the Grand Jury's appreciation to you, Judge Herman, for your ongoing help and support throughout the year. In addition, we want to express our deepest appreciation to Martin McKenzie, the Jury's legal advisor, for his invaluable advice and counsel. Finally, I would like to thank Mr. Darrell Parker for his encouragement and continued support.

In closing, I would like to say that none of the Grand Jury's accomplishments would had been possible without the dedication and yearlong commitment of all of the jurors of the 2015 – 2016 Santa Barbara County Grand Jury. It has been an honor for me to serve this outstanding Jury.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Maria Millsaps', with a small flourish at the end.

Maria Millsaps

Foreperson

2015-2016 Santa Barbara County Grand Jury

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**2015-16 SANTA BARBARA
COUNTY Grand Jury Members**

Richard Abbott	Montecito
Ronald Allman	Santa Maria
Andrew Brown	Goleta (unincorporated)
Eugene Bucciarelli	Santa Barbara
Ariana Cadena	Santa Maria
Mary Frink	Santa Barbara
Karyn Hawes	Ballard
Barbara Landon	Los Alamos
Robert May	Santa Maria
James McNamara, MD.	Santa Barbara
Sandi Miller	Solvang
Maria Millsaps, Foreperson	Lompoc
Jerry Mrozek	Orcutt
John Olson	Goleta
Tim Putz	Santa Barbara
Jack Snyder	Goleta
Dan Suchman	Goleta (Embarcadero)
Stephen Weiss	Santa Barbara
Kathleen Werner	Goleta

2015-16 SANTA BARBARA COUNTY GRAND JURY



Photo by Mike Eliason, Santa Barbara County Fire, Public Education Officer

Back row: Andrew Brown, Tim Putz, Dan Suchman
Forth row: Jerry Mrozek, Jim McNamara, John Olson, Richard Abbott
Third row: Eugene Bucciarelli, Joe May, Ronald Allman, Ariana Cadena
Second row; Kathleen Werner, Mary Frink, Sandi Miller
First row: Barbara Landon, Karyn Hawes, Maria Millsaps (Foreperson), Jack Snyder, Steve Weiss

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Helmar Stephen Janée, Ph.d.

1941 – 2016



This Report is Dedicated to our Friend and Colleague

Helmar

Member 2015-16 Santa Barbara

County Grand Jury

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**PARKING CITATION PAYMENT PROBLEMS WITH THE SHERIFF'S
OFFICE**

PARKING CITATION PAYMENT PROBLEMS WITH THE SHERIFF'S OFFICE

Not an Easy Way to Pay

SUMMARY

The Santa Barbara Sheriff's Office (SBSO) has been contracting its parking citation collection operation with a private firm since 1996. Monetary adjustments have been made over the years, but the contract itself has expired. Citizens who want to follow the rules and pay their parking citations online and on time have encountered payment problems.

Specifically, there is often a processing lag between the time the SBSO submits the citations to the vendor and the time the vendor enters them into the system for payment. This process should allow recipients of citations to go online to pay their fines as soon as possible within the statutory time frame.

Processing parking citations is understandably a low priority for the SBSO. The 2015 – 2016 Santa Barbara County Grand Jury (Jury) discovered that the contract between the Sheriff's Office and the vendor has not been renewed since June 2012. The Jury learned that parking citations are often slow to be electronically posted online causing delays in the ability to pay citations. The vendor has a computer system that automatically adds late fees, even for paid citations. Moreover, the Jury learned that monthly invoice reconciliations are not completed in a timely manner. Lastly, the Jury found that there has never been a formal review of the vendor's performance.

This system is broken and needs to be fixed.

INTRODUCTION

The Santa Barbara Sheriff's Office (SBSO) signed a three (3) year contract in 1996 with an outside vendor, in an amount not to exceed \$15,000 per year, to process parking citations. The contract, with occasional changes in the "not to exceed" amount, was renewed annually with the last renewal in June 2012; this renewal expired June 30, 2013. At that time the contract "not to exceed" amount was capped at \$40,000¹.

According to the California Vehicle Code, if the registered owner, by appearance or by mail, makes payment to the processing agency within 21 calendar days from the date of issuance of the citation or 14 calendar days after the mailing of the notice of delinquent parking violation, the

¹ Change Order CN13914, dated June 2012

PARKING CITATION PAYMENT PROBLEMS

parking penalty shall consist solely of the amount of the original penalty. Additional fees, assessments, or other charges shall not be added². Parking citations in the unincorporated areas of Santa Barbara County and in the those cities that contract with the SBSO are compiled and prepared for processing by SBSO staff. This preliminary processing appears to be efficient and done in a timely manner. After preliminary processing is completed by SBSO staff, the citations are sent electronically to the vendor, and then the processing uncertainty begins. Payment can be made either by check, mailed to the vendor, or online through the SBSO website. No payments for parking citations are accepted at the Sheriff's office and there is no opportunity to pay in cash. The ability to pay online is an important feature for those citations written to people passing through the area such as tourists, visitors, college students, and the well-intentioned citizen who wants to pay as soon and as easily as possible.

Parking citation fines can range from approximately \$35 to \$257. The vendor collects all monies from parking citation payments and is compensated per transaction. For example, according to a vendor invoice, for each manual parking citation processed, the vendor is paid \$1.38. For each administrative review response processed, the vendor is paid \$0.78, and it receives 35% of the collected fine for delinquent citations and out-of-state processing. The County receives all remaining money not accounted for through citation processing fees. Payment to the vendor is limited to \$40,000 per year. Table 1 summarizes the total amount of money collected, the amount retained by the vendor for processing fees, and the amount received by the County during fiscal years 2013-14 and 2014-15.

Table 1.
Parking Citation Revenue and Fees Paid

Fiscal Year	Total Collected	Amount Retained by Contractor*	Revenue Collected
2013-14	\$143,440	\$24,860	\$118,580
2014-15	\$108,510	\$21,520	\$86,990

*Not to exceed \$40,000

METHODOLOGY

The Santa Barbara County Grand Jury (Jury) examined the original contract and subsequent renewals between the County of Santa Barbara and the vendor. The monthly parking citation fees collected and deposit journal entries were reviewed. In addition, the Jury interviewed members of County staff and the SBSO. Attempts made by the Jury to contact the vendor were not successful.

² California Vehicle Code § 40207

PARKING CITATION PAYMENT PROBLEMS

OBSERVATIONS

Online Citation Payments

Parking citations can be paid online through a link on the SBSO website to the vendor's online payment company. This company specializes in collecting law enforcement fees via the internet, similar to a payment processor such as PayPal™.

The Jury learned from SBSO staff that they field phone calls on a daily basis from citation recipients unable to pay their fine online because no record of the citation can be found on the SBSO website link. The jury learned the vendor is not consistent in entering citation information into its database in a timely manner. In order to resolve this issue, the citizen must contact the SBSO staff who then need to manually check through their master citation list and follow up with the vendor to request a specific citation be entered. The vendor then enters this citation, usually within two to three days.

In this age of internet availability, to revert to a manual verification is both time consuming and cumbersome. In some cases, when the citation cannot be found online by a citizen, it misleads the citizen into thinking that the citation has been voided and that they do not need to take further action, thereby risking late payment penalty fees and referral to collections.

Citation Payments by Mail

Parking citations can be paid with a check sent by mail directly to the vendor. The Jury, through interviews and documentation, found that payments can remain unprocessed at the vendor's offices for days or weeks before the contractor processes the citation as paid. Even though checks have been mailed to the vendor within the statutory time, the Jury found they were not processed promptly and late fees were added. Attempts to resolve the issue of unprocessed checks involve an administrative review by a SBSO departmental supervisor, another manually intensive and cumbersome process. In the worst case scenario these paid but unprocessed citations can then be sent to a debt collection agency.

Along with the risk of a citizen's credit rating being affected which accompanies unpaid debt reporting to a collection agency, is the use of unnecessary SBSO staff hours and the risk to the reputation of the Sheriff's office.

Contract Renewal

The SBSO has attempted to renew the contract but has been unsuccessful due to a lack of response to a request for insurance documentation from the vendor. This failure is compounded by a lack of follow through from the SBSO to obtain this documentation.

Standard operating procedure within the SBSO is to transfer supervisory officers from one division to another. This is an ideal process when grooming staff to move up the ladder and gain the necessary experience needed for promotion. However, this procedure can wreak havoc on small divisions of low priority. SBSO personnel, who looked into renewing the contract with the outside vendor, were not able to complete the assignment before being transferred to another department.

PARKING CITATION PAYMENT PROBLEMS

No Option to Pay by Cash

Cash is not accepted for payment of parking citations. Some citizens within Santa Barbara County use cash for all their business transactions. However, there is no way for these citizens to pay in person or with cash. This would allow the transaction to be documented with a receipt.

Other Payment Processing Options

The Jury learned there are other companies that provide parking citation payment services throughout the country that the SBSO could explore.

Public Relations Issue

With law enforcement under ever increasing scrutiny throughout the country, this low priority function when performed inadequately can tarnish the department's reputation. Any contractor should be held accountable for its actions and the SBSO should ensure fulfillment of contract terms. The failure to correct problems in a timely manner creates a risk of adverse publicity for the SBSO. If someone's credit rating is adversely affected by this flawed process, it is likely that it will be reflected as a black mark on the SBSO for failure to properly manage the process and could expose the county to potential liability.

CONCLUSIONS

The 2015-16 Santa Barbara County Grand Jury found that the parking citation processing system used by the Santa Barbara County Sheriff's Department does not meet the need for timely processing of citations. The contract with the vendor has not been formally reviewed for performance compliance and expired in 2013. The out-of-date processing practices have resulted in late fees being assessed inappropriately. There is no ability to pay a citation in person or with cash.

This expired contract needs to be reviewed and potentially renewed. Performance compliance by the vendor needs to be performed by the SBSO. Citations need to be posted in a timely manner to allow individuals the maximum amount of time to pay before a late fee is added. Procedures and infrastructure need to be established to give individuals a cash payment option. Finally, the SBSO needs to consider conducting a survey to identify other vendors who could provide superior citation processing services.

FINDINGS AND RECOMMENDATIONS

Finding 1

No evidence could be found that a performance review of the contract was ever conducted.

Recommendation 1

That the Santa Barbara Sheriff's Office conduct regular performance reviews of the parking citation processing contract.

Finding 2

PARKING CITATION PAYMENT PROBLEMS

There is no option to pay in person or with cash.

Recommendation 2

That the Santa Barbara Sheriff's Office, in recognition of the need of some citizens to pay in cash, initiate a mechanism to pay in person or with cash.

Finding 3

Parking citations are not processed in a timely manner.

Recommendation 3

That the Santa Barbara Sheriff's Office develop procedures to ensure parking citations are processed in a timely manner.

Finding 4

Some citations were sent to a debt collection agency even though payment was made within statutory guidelines as required by *California Vehicle Code § 40207*.

Recommendation 4

That the Santa Barbara Sheriff's Office develop procedures to ensure that parking citations paid within statutory timelines are not sent to debt collection agencies.

Finding 5

The most recent annual contract renewal with the vendor, CN13914, expired June 30, 2013.

Recommendation 5

That the Santa Barbara Sheriff's Office enter into a new contract with a qualified vendor that will consistently process parking citations expeditiously.

REQUEST FOR RESPONSE

Pursuant to *California Penal Code Section 933 and 933.05*, the Jury requests each entity or individual named below to respond to the enumerated findings and recommendations within the specified statutory time limit:

Santa Barbara County Sheriff - Coroner – 60 days

Findings 1, 2, 3, 4, and 5

Recommendations 1, 2, 3, 4, and 5

Santa Barbara County Board of Supervisors – No Response Required

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CUYAMA COMMUNITY SERVICES DISTRICT

CUYAMA COMMUNITY SERVICES DISTRICT

Operating Under Difficult Circumstances

SUMMARY

For over 20 years the Cuyama Community Services District has managed to provide potable water and to safely dispose of sewage at reasonable cost. This was accomplished even though they were serving a small population in a remote location. In recent years, the Cuyama Community Services District Board of Directors has encountered difficulty in retaining board members and filling vacancies. A number of required functions were not performed by the Board, which made an already difficult situation worse. This report assesses the Cuyama Community Services District's operations and makes several recommendations where improvement is warranted.

A major issue for the community is the impending retirement of the present Manager for Water/Sewer Operations. The district may need to redefine the Manager's position and reevaluate staffing needs in order to ensure water and wastewater service to the community continues without interruption. As many small special districts in California have discovered, finding a qualified successor at an affordable salary level may be challenging.

INTRODUCTION

The 2015-16 Santa Barbara County Grand Jury (Jury) received a request to investigate the Cuyama Community Services District (CCSD) which provides water and sewer services to the town of New Cuyama. The Cuyama River runs along Highway 166 and borders Los Padres National Forest. The Cuyama Valley is an agricultural area, with some cattle grazing and oil drilling nearby. Because the Cuyama Valley is a flood basin for the Cuyama River, the majority of the original town was moved westward to New Cuyama in 1951. It has a sheriff's substation, a fire department, library, community center; everything a small community needs to operate.

Located 47 miles east of Santa Maria on Santa Barbara County's northeast border, New Cuyama is an unincorporated area with a population of about 500 residents. In the 1950s, after oil was discovered, the Atlantic Richfield Company settled and developed the town of New Cuyama. It built the town, funded schools, and provided all utilities except electricity. The CCSD was formed in 1977 by LAFCO Resolution 77-554 and provides service to 226 water connections and 197 sewer connections.¹ This district is under the direction of a five person elected Board of Directors (BOD) who are not compensated for their service. Full time staff includes a Manager for Water/Sewer Operations (Manager), a Controller, and an Assistant Operator. Part time employees include a relief secretary and two maintenance workers who are called in when

¹ CCSD Water and Wastewater Rate Study, Rural Community Assistance Corporation (RCAC), October 6, 2015

needed to complete specific projects.

The current CCSD organizational structure is shown in Figure 1.

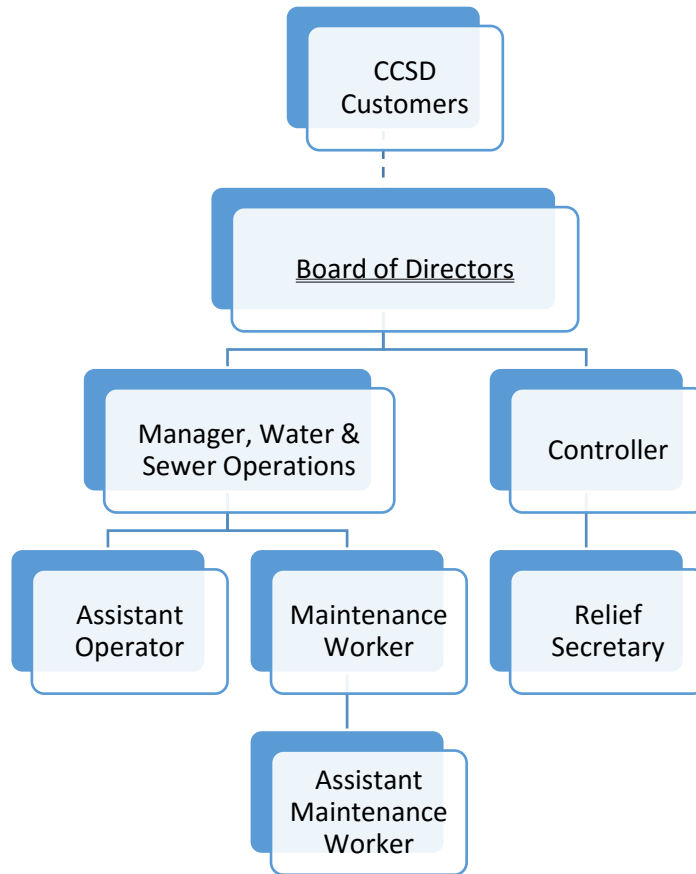


Figure 1. Cuyama Community Services District Structure

An analysis conducted in 2013 by the US Geological Survey² indicates that the Cuyama Aquifer is large (230 sq. mi), but is currently being over drafted and drawn down, as are many other California aquifers. The great majority of the water drawn is for agricultural uses outside of the CCSD service boundaries. Total consumption from the aquifer is about 65,000 acre-feet/per year (1 acre-foot equals 326,000 gallons). The customers of the CCSD use about 600 acre-feet (less than 1%). For all intents and purposes, no actions taken by the CCSD to limit water usage would have a measureable effect on the rate at which the Cuyama Aquifer is being over drafted.

The local high school and public library operate their own wells. The water from those wells is untreated, and used only for landscaping purposes. Treated drinking water is provided by the CCSD. The refurbished Joseph Centeno Cuyama Aquatic Center is expected to be returned to use in 2016. Water and sewage treatment for this facility will be provided by the CCSD.

Water quality became an issue in January 2006 when new federal standards for arsenic

²USGS, Geology, Water-Quality, Hydrology, and Geomechanics of the Cuyama Valley Groundwater Basin, California, 2008–12, Scientific Investigations Report 2013–5108

CUYAMA COMMUNITY SERVICES DISTRICT

concentrations in drinking water went into effect. The CCSD was required to upgrade its treatment process to reduce arsenic concentrations to the new federal standard. As of September 2014, the Arsenic Exceedance Remediation Project was completed. The arsenic removal plant is operating and arsenic concentrations are below the new 10 ppb water quality standard. Potential problems with the water system are disclosed promptly and communications with the State Department of Water Resources are regular and cooperative.

METHODOLOGY

Per California Penal Code 933.5, “A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district or commission.”

The Jury conducted interviews with all current and several past CCSD Directors, some CCSD employees, and representatives of the California Department of Public Health. In addition, the Jury studied pertinent US Geologic Survey documents, socioeconomic data for the District’s service area, and CCSD documents including job descriptions, personnel manual, meeting minutes, meeting agendas, annual audit reports, water rate studies and water quality reports. Other information considered included opinions expressed in Board of Directors’ resignation letters and an employee complaint alleging abusive conduct.

OBSERVATIONS

Board of Directors

The governing Body of the CCSD is a five person board elected by the citizens of New Cuyama. One director resigned in July 2015 and it took approximately six months to fill the vacancy. The Jury was informed that directors can attend board meetings by phone if they are out of town. However, the existing telephone system is dated and teleconferencing is not easily accomplished. Directors receive no compensation even though CA government code §53232.1 says they may. Of the sixteen water, sewer, and community service districts in Santa Barbara County surveyed by the Jury, from data on the California State Controller’s website³, the CCSD is one of only four that does not compensate its board of directors for their service.

All board directors, both past and present, interviewed by the Jury seemed to take their jobs seriously and to care greatly about the proper functioning of the water and sewer systems entrusted to them. During its investigation, however, the Jury found that the board was not fulfilling its responsibilities such as setting policy, enforcing that policy, and giving appropriate direction and supervision to the full time staff. In particular these include:

- Job Descriptions
- Personnel Policy Manual

³ www.publicpay.ca.gov

- Policy Enforcement
- Performance Reviews
- Personal Use of District Vehicle
- Staffing Issues
- Work Environment
- Financial Management

Job Descriptions

Four positions have no job description at all. The four are the Assistant Operator, the Maintenance Worker, the Assistant Maintenance Worker, and the Relief Secretary. The lack of a job description for the Assistant Operator position, sometimes called Manager's Helper, is particularly problematic, as it is filled by the Manager's son. The Jury determined that over the years there have been questions as to the responsibilities and work schedule for this position⁴. As early as 2011, a board member resigned over questions involving the proper documentation of timesheets for this position. In February of 2015, the issue was resolved by changing the Assistant Operator position from hourly to salaried, with a 35 hour per week work requirement. However, because no written job description exists for the Assistant Operator position, the Jury could not confirm or deny whether the qualifications, certifications and responsibilities for this position were being met. In order to completely understand their responsibilities, roles and work schedule, all employees need and deserve to have a written job description.

The job descriptions for the two full time staff have not been updated in many years. The job description for the Manager is 24 years old and does not specify important responsibilities such as response time for repairs, professional licenses required by the State, ongoing training and/or continuing education requirements (See Appendix A).

When the Secretary/Bookkeeper position was upgraded in 2009, the job title was changed to Controller. The job description (see Appendix A) was modified to clarify that this position includes financial responsibilities and special projects. It also specified that this position reports directly to the BOD. In practice, the Controller continues to report to the Manager, which has been problematical.

Personnel Policy Manual

Although parts of the Personnel Policy Manual (PPM) have been updated, the Jury found that the BOD has not updated the entire PPM in several years. It does not reflect changes in the law that have occurred since it was first issued. Some topics, such as requiring ethics training for employees, are not included at all.

Because the CCSD BOD members do not accept compensation or expense reimbursement, they are not required, according to Government Codes §53232, and §53234 *et seq* to attend ethics training courses. The training course covers subjects such as conflict of interest and nepotism, both of which are alleged to have occurred in the CCSD.

The BOD has the authority to require such training for key CCSD personnel. CCSD records and

⁴ Board of Directors meeting minutes, June 15, 2011.

CUYAMA COMMUNITY SERVICES DISTRICT

personnel interviews indicate that neither the Manager nor the Controller have ever received such training. The Jury recommends that the ethics training be incorporated in the job descriptions for these personnel. An ethics training course that satisfies the legal requirements is available online, at no cost from the California Fair Political Practices Commission⁵.

Policy Enforcement

The job of elected directors is to set policy for their agency, and give direction to the staff to carry out the district's policy. The staff's job is then to implement the board's policies and priorities. When a breakdown occurs in this operating process, it is the directors' responsibility to address the problem.

The CCSD PPM, in Section XIV, Disciplinary Actions Against Employees 1, (see Appendix B) sets forth District policy regarding employee discipline. The BOD has not enforced this policy. In particular, according to CCSD meeting minutes in 2013 and again in 2014, an employee was instructed to enforce District policy (Enforcement Policy, Article 10 Section 1-1003, (see Appendix E) with regard to denial of water service to delinquent accounts. The Jury was informed that the employee refused to accept the BOD's direction in this matter. Instead, the employee ignored the CCSD policy and BOD directions and attempted to address the problem by working out payment plans with the delinquent account holders. The employee in this case did not have the authority to work out individual payment plans with District water customers. The CCSD averages approximately \$11,000 in overdue monthly accounts receivable.

The BOD did not enforce their PPM policy regarding insubordination. The BOD needs to enforce its written policies and disciplinary procedures.

Performance Reviews

The Jury determined that full time staff members have never received performance reviews either from the Manager or the Board of Directors, as required by the CCSD's PPM, Section XXIII (see Appendix B). In addition, the Jury noted that the PPM does not require annual performance reviews for at least two salaried positions.

The PPM needs to be updated and all annual performance reviews must be given as required.

Personal Use of District Vehicle

Employees have approval to use the District vehicle whenever on District business. This includes local trips and travel to Bakersfield and/or Taft, as long as District business is being conducted. However, the Jury has been told that instances have occurred when the District vehicle has been used solely for personal business in violation of CCSD Policy 91-1 (see Appendix E). This Policy allows occasional and incidental use of the District vehicle for personal business while on District business, but does not allow personal use of a CCSD vehicle, solely for personal business. This is also a violation of the PPM, Section XIV Disciplinary Actions Against Employees, 6. Dishonesty or misuse of public property (see Appendix B). The BOD failed to enforce its own policy. All employees should understand and follow the specifics of the CCSD Policy 91-1 Regarding the Use of District Vehicles.

⁵ <http://www.localethics.fppc.ca.gov/login.aspx>

Staffing Issues

The current Controller has worked at CCSD for 20 years and was promoted into this position from secretary/bookkeeper in 2009. The Controller has many diverse responsibilities. These include providing financial functions and preparing meeting minutes and preparing grant applications. The Controller reports to the BOD on paper only. In reality the Controller reports to the Manager. Difficulties may be caused by the conflict in the structure of the district, whereby the job description instructs the Controller to report to the BOD, but the Controller has been told to report to the Manager. Reporting to two different supervisors can lead to uncertainty in job priorities for the employee.

Because of the heavy workload for this position, some important functions have not been kept up to date. For example, minutes from board meetings are not completed and have not been approved by the board in a timely manner. In many instances, they have been several months late. The meeting minutes are far too detailed; which increases workload for the staff and delays their approval. As a result, rather than being a tool the BOD can use as a status reminder during their monthly meetings, minutes approval delays have become a point of continuing controversy. On occasion, the Relief Secretary works in the office so that the Controller can bring the minutes up to date. The Jury recommends that this practice be employed more often.

The Manager's son works as the Assistant Operator although there is no job description for this position. In this capacity he reports to his father. In 2011, a board member resigned over questions involving the proper documentation of time sheets for this position. Hired initially as an hourly worker in 1999, the Assistant Operator was switched to salaried status in 2015 (still without a job description) to address this

It is unusual within a government agency to have a relative work for and report directly to another relative. Despite an employee's best intentions to serve the community, supervising a relative and the desire to help family members can lead to perceived or actual unethical decisions that may put the agency at financial risk and cause poor employee morale. Concerns of special treatment or perceived special treatment due to nepotism typically preclude such a work arrangement. Most government agencies have policies concerning the issue of relatives working together or supervising each other. The CCSD PPM does not address this issue.

The Jury recommends that the CCSD BOD add a policy addressing conflict of interest / nepotism to its PPM.

Work Environment

A serious board failure discovered by the Jury was that the BOD tolerated a work environment contrary to its own policy to exist. In Section XIV. Disciplinary Actions Against Employees, the CCSD's PPM states:

“A permanent employee may be suspended, demoted, or dismissed for one or more of the following causes: ...

... 2. Offensive, abusive, or persistent discourteous treatment of the public or fellow

CUYAMA COMMUNITY SERVICES DISTRICT

employees.” (See Appendix B)

In the opinion of numerous people interviewed by the Jury, raised voices and abusive and hostile language have been used repeatedly at public board meetings and during the work day. Examples of information on this matter from meeting minutes, tape recordings of board meetings, interviews, and BOD resignation letters (see Appendix C) have indicated that the work environment is disruptive and colleagues are disrespectful to each other. When the discussion gets heated, there is an atmosphere of intimidation, voices are raised, and 9-1-1 has been called. The CCSD PPM, Section XIV, 2., has been violated. Unfortunately, the result of this offensive behavior is that board members have resigned. Appendix D provides more opinions of this behavior.

The CCSD BOD has not done an adequate job in managing employee relations. The working environment and board meetings can best be described as tense. Board members have observed and were made aware of the working conditions, yet did not take disciplinary action. It is unacceptable that the BOD failed to act on this matter for many years. Most recently at the Board meeting on November 19, 2015, a formal complaint was filed by the Controller concerning the working environment (see Appendix C). At the time this report was written, the Jury was unaware of any resolution.

A widely-held belief expressed by Board members was that a strained atmosphere existed between the BOD and an employee. This strained atmosphere has led to the resignation of more than one director (see Appendix C) and may be a contributing factor to CCSD’s difficulty in attracting candidates to fill out the board. This could have a detrimental effect on the smooth operations of a vital community service.

Financial Management

The CCSD has been successful in applying for and receiving capital improvement grants from State and Federal agencies. This success is due, in large part, to Cuyama’s designation as a severely disadvantaged community⁶. The median household income in 2009 was \$32,999/year. The combined sewage collection and water fees are about \$140/month, placing them near the midpoint of fees charged by similar entities countywide. “Similar entities” in this context, are smaller service districts that struggle to provide water or sewer service to a limited customer base. Changes in legislated requirements, certification requirements, and workforce attrition will inevitably affect district finances.

The results of an October 2015 independent Water and Wastewater Study⁷ done by the Rural Community Assistance Corporation and funded by the State Water Resources Control Board and Health and Human Services, determined that the CCSD will need to increase both its water and wastewater rates in order to remain fiscally solvent over the next 5 years. Rate increases are needed to ensure that the CCSD has the ability to obtain sufficient funds to develop, construct, operate, maintain, and manage its water and wastewater systems on a continuing basis, in full compliance with federal, state and local requirements. At a minimum, the rate study recommended a 2% annual inflation rate increase for each utility. An additional 29% increase in

⁶ RCAC Median Household Income Survey, March 2009

⁷ CCSD Water and Wastewater Rate Study, October 2015

the base water rate was also recommended. A customer education and information plan needs to be implemented to prepare the customers for the higher bills.

The following items are some of the bullet points made in the rate study:

“ • The ability of the current rate structure to generate adequate revenue will depend on maintaining a vigorous collection and shut-off policy to keep delinquent accounts at a minimum.”

“ • In order to achieve and maintain long term viability, water and wastewater systems should review rates annually or no less than a minimum of every two years. Keeping track of customer seasonal and annual water demands will help determine operational needs, budget forecasts and rate adjustments.”

“ • CCSD should begin the process of adjusting rates to the recommended amounts immediately.”

The Jury concurs with the study's recommendations.

CCSD Succession Planning

The current Manager has worked at CCSD for almost 25 years under a job description written and agreed to in May 1991. He has current Distribution Level 1 and Treatment Level 2 Water Certificates and a Grade 2 Wastewater Treatment Plant Operator's Certificate from the State of California that allow him to manage both the water and sewer operations. The Manager is responsible for all operational aspects of both the water and wastewater treatment facilities. In other words, he is responsible for keeping the water running and making sure all testing and reporting requirements are met. Except for one occasion in Feb/Mar 2011 when the water to the town was shut down due to a valve problem, all of the people interviewed by the jury indicated that the most important function of the CCSD, keeping the water flowing, has been accomplished successfully.

The long-time CCSD Manager has submitted a letter stating his intent to retire February 1, 2016.⁸ The elected CCSD BOD will need to address the succession issue. Finding a qualified successor, with the appropriate certifications, at a salary level the CCSD can afford, will create a new set of financial issues. Because the outgoing Manager retired from an oil company with a pension and benefits, he has been willing to work for less than the market rate for a person of his qualifications and experience. The community will need to understand the need for service fees increasing to support a compensation package that will attract competent, qualified, and loyal employees. Helpful, professional guides⁹ are available to aid the BOD in its succession planning. State and County government personnel, grant providers, and private water and sewer experts are known to the BOD and should be consulted.

The present Manager has proposed that the Assistant Operator succeed him¹⁰. This is not considered a solution because the Assistant Operator does not have the requisite licenses. Public employment decisions should be based solely on merit. Qualifications such as education,

⁸ At the Board of Directors Meeting on February 1, 2016, attended by Jury members, it was decided that the Manager will remain on staff from February 1 to February 29, 2016 to assist in the transition to his successor.

⁹ <http://www.bcwaternews.com>

¹⁰ Board of Directors meeting minutes, June 15, 2011.

CUYAMA COMMUNITY SERVICES DISTRICT

skills and experience a candidate can bring to the position should be the main criteria for employment. The search for the new manager should be all about finding the best qualified individual to serve the CCSD.

The Grand Jury is pleased to note that the CCSD BOD held special meetings beginning in November 2015 and appears to recognize the seriousness of the succession issue. In addition, the Jury notes that the BOD has interviewed several people and may be close to filling the position of Manager for Water/Sewer Operations.

In the future, the succession plan should include the position of Controller.

Finally, the succession plan should be supported by the current management team to ensure a smooth transition of the District for the good of the community.

CONCLUSION

New Cuyama has evolved from an "oil town" founded in the early 1950s by one company into the sparsely populated "outback" community seen today. Over the past four decades, water and sewer services have been provided efficiently and economically to the residents of the town by the Cuyama Community Services District. New regulations, the reality of serving less than 300 connections, and generally low household incomes have been challenges the district has addressed quite well. This is to be commended.

However, the investigation by the 2015 - 2016 Santa Barbara County Grand Jury found that there are a number of areas in which the district is not performing adequately. Many of the issues which need to be addressed by the Board of Directors of the Cuyama Community Services District involve enforcing policies that already exist in their Personnel Policy Manual and elsewhere. These include the enforcement of their policies on: discontinuance of service, the personal use of district owned vehicles, and the prohibition of offensive, abusive, or persistent discourteous treatment of the public or fellow employees. The Board of Directors must also reevaluate their staffing needs and develop a succession plan to replace key employees. Lastly, the Board of Directors needs to follow the Rural Community Assistance Corporation's recommendations to raise water and wastewater rates as stated in its October 2015 study. To assure the legal and financial viability of the Cuyama Community Services District and its employees, the Board of Directors must address and correct these and all other deficiencies detailed in this report.

FINDINGS AND RECOMMENDATIONS

Finding 1

The meeting minutes are far too detailed and are not submitted to and approved by the Cuyama Community Services District Board of Directors in a timely manner.

Recommendation 1

CUYAMA COMMUNITY SERVICES DISTRICT

That the Cuyama Community Services District Board of Directors require that the minutes be succinct and submitted for acceptance at the next scheduled meeting.

Finding 2

Neither the Board of Directors nor key employees have ever attended ethics training courses. The Board of Directors has the authority to mandate ethics training for key employees.

Recommendation 2

That the Cuyama Community Services District Board of Directors include biennial ethics training within the job descriptions of key employees including the Manager of Water/Sewer Operations and the Controller.

Finding 3

No job descriptions exist for Assistant Operator, Relief Secretary, Maintenance Worker, and Assistant Maintenance Worker.

Recommendation 3

That the Cuyama Community Services District Board of Directors ensure job descriptions are prepared for all employees.

Finding 4

Job descriptions for Manager for Water/Sewer Operations and Controller have not been updated for several years.

Recommendation 4a

That the Cuyama Community Services District Board of Directors require the existing but obsolete job description for Manager for Water/Sewer Operations be updated to include licensing requirements professional qualifications, and response time expectations, at a minimum.

Recommendation 4b

That the Cuyama Community Services District Board of Directors require the existing but obsolete job description for the Controller be updated.

Finding 5

The Cuyama Community Services District Personnel Policy Manual has no policy addressing conflicts of interest such as nepotism.

Recommendation 5

That the Cuyama Community Services District Board of Directors add a policy on conflicts of interest such as nepotism to its Personnel Practices Manual.

Finding 6

The Board of Directors has failed to follow its policy set forth in the Personnel Policy Manual Section XIV, Part 2 and allowed "Offensive, abusive, or persistent discourteous treatment of the public or fellow employees".

CUYAMA COMMUNITY SERVICES DISTRICT

Recommendation 6

That the Cuyama Community Services District Board of Directors enforce Section XIV (Disciplinary Actions Against Employees) Part 2 of its Personnel Policy Manual.

Finding 7

The Cuyama Community Services District Board of Directors has no succession plan for the positions of Manager for Water/Sewer Operations or Controller.

Recommendation 7

That the Cuyama Community Services District Board of Directors establish an orderly succession plan for the positions of Manager for Water/Sewer Operations and Controller.

Finding 8

Required annual personnel performance reviews have not been conducted in accordance with Section XXIII of the Cuyama Community Services District's Personnel Policy Manual.

Recommendation 8

That the Cuyama Community Services District Board of Directors and Manager for Water/Sewer Operations conduct annual performance reviews of all employees.

Finding 9

The Cuyama Community Services District Board of Directors has not enforced its delinquent account enforcement policy, CCSD Water Policy, Article 10 - Discontinuance of Service, 1-1003, Non-payment of Bills.

Recommendation 9

That the Cuyama Community Services District Board of Directors enforce its delinquent accounts collection policy.

Finding 10

That the Cuyama Community Services District will need to increase its revenues to remain financially viable.

Recommendation 10

That the Cuyama Community Services District Board of Directors implement the rate increases recommended in the October 2015 CCSD Water and Wastewater Rate Study by the Rural Community Assistance Corporation.

Finding 11

The public needs to be informed of the need for and implementation of future water and wastewater rate increases.

Recommendation 11

That the Cuyama Community Services District Board of Directors initiate a public education program regarding the need for water and wastewater rate increases.

CUYAMA COMMUNITY SERVICES DISTRICT

Finding 12

That the existing telephone system does not adequately support teleconferencing.

Recommendation 12

That the Cuyama Community Services District Board of Directors ensure an adequate teleconferencing system is available.

Finding 13

The Cuyama Community Services District Board of Directors has not enforced CCSD Policy 91-1 regarding the personal use of District owned vehicles.

Recommendation 13

That the Cuyama Community Services District Board of Directors enforce its existing policy regarding the personal use of District owned vehicles.

Finding 14

The Cuyama Community Services District Board of Directors does not receive any compensation.

Recommendation 14

That the Cuyama Community Services District Board of Directors consider compensating board members.

Finding 15

The heavy workload for the Controller position impacts the timely completion of some required functions.

Recommendation 15

That the Cuyama Community Services District Board of Directors make more frequent use of the Relief Secretary to reduce the workload of the Controller.

REQUEST FOR RESPONSE

Pursuant to *California Penal Code Section 933 and 933.05*, the Jury requests each entity or individual named below to respond to the enumerated findings and recommendations within the specified statutory time limit:

Cuyama Community Services District Board of Directors– 90 days

Findings 1 through 15

Recommendations 1 through 15

The Santa Barbara County Board of Supervisors – No Response Required

CUYAMA COMMUNITY SERVICES DISTRICT

APPENDICES

APPENDIX A

Job Descriptions

APPENDIX B

Personnel Policy Manual

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Resignation Letters of Board Members and Formal Complaint

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CCSD Policies

CUYAMA COMMUNITY SERVICES DISTRICT

APPENDIX A Job Descriptions

CUYAMA COMMUNITY SERVICE DISTRICT

JOB DESCRIPTION

MANAGER FOR WATER/SEWER OPERATIONS

1. Operate water and sewer facility in a safe manner.
2. Check pumps daily to insure proper operation and lubrication.
3. Check tanks and reservoirs daily for proper levels.
4. Perform tests as required by Board and/or government agencies.
5. Abide by all government regulations and policies required by County, State and Federal Governments.
6. Keep all records required by Board and/or governmental agencies.
7. Keep accurate records and receipts of all business transactions.
8. Maintain good public relations with customers.
9. Any purchases over an allowable amount are to receive approval by the Board prior to purchase.
10. All work performed must be of a high standard of quality, and when necessary, according to designated codes.
11. All problems that arise are to be taken care of as soon as possible.
12. All governmental regulatory reports shall be filed in a timely manner.
13. Keep all facilities clean and in excellent running condition.
14. Abide by all appropriate laws in the United States.
15. Keep Board and /or its representative apprised of all operations.
16. Follow all local Board Policy Regulations and all Federal, State and County Manuals from the Water Quality Control Board, the Health Services and the Environmental Protection Agency.

17. Determine the most efficient manner of operating the systems.
18. Perform all business and/or work requested by Board.
19. See that water meters are read and that billings are distributed in a timely manner.

20. Perform water service turn-ons and turn-offs after appropriate conditions have been met.

21. Insure that the District's Transportation needs are met.

I have read and understand this job description.

CUYAMA COMMUNITY SERVICES DISTRICT

CUYAMA COMMUNITY SERVICES DISTRICT JOB DESCRIPTION

Job Title: Controller
Department: Accounting
Status: Exempt
Pay Schedule: Salary, paid monthly
Reports to: Board of Directors
Revision Date: November 10, 2009

Summary:

Responsible for the complex general accounting and financial reporting functions of the District.

Primary Duties and Responsibilities:

1. Oversee daily operations of the accounting department.
2. Process all phases of accounts receivable, including monthly billing. Prepare bank deposits and generate computer reports of payments.
3. Maintain accurate record of customer deposits. Monitor customer account activity and prepare notices for collection on delinquent accounts.
4. Process all phases of accounts payable, including classification of expenses. Prepare payments to vendors for Board approval at monthly board meeting. Process 1099-MISC forms for contractors.
5. Prepare monthly payroll and maintain employee payroll records. Prepare federal and state payroll tax deposits, quarterly and annual payroll reports for federal and state. Process W-2 forms.
6. Prepare monthly financial reports for Board of Directors meeting, which include check listings, schedules of deposits, and activity for all bank accounts.
7. Perform bank reconciliations of accounts.
8. Prepare monthly sales report for entry in general ledger.
9. Track operating expenses and revenues and prepare accurate monthly budget reports.

CUYAMA COMMUNITY SERVICES DISTRICT

10. Prepare quarterly financial statements, including balance sheet, all operating statements, and notes. Calculate adjusting journal entries.
11. Maintain record of assets, calculate depreciation and prepare depreciation schedule.
12. Prepare all financial data and confirmation letters for annual audit.

Other Duties:

1. Serve as receptionist.
2. Perform various secretarial duties, compose correspondence.
3. Maintain office in an efficient manner.
4. Maintain organized filing system.
5. Prepare and post agenda for board meetings. Record and transcribe minutes of meetings.
6. Compose resolutions of the Board of Directors
7. Complete monthly meter reading report by the 20th of the month.
8. Prepare monthly water volume report.
9. Prepare electronic self-monitoring reports for Wastewater Treatment Plant and transmit to State Water Board.
10. Prepare Annual Water Report to customers and California Department of Public Health.
11. Prepare backflow prevention assembly test and maintenance reports for testers and inventory for California Department of Public Health.
12. Complete special projects as needed.

I have read and understand this job description.

CUYAMA COMMUNITY SERVICES DISTRICT

APPENDIX B Personnel Policy Manual

CUYAMA COMMUNITY SERVICES DISTRICT PERSONAL POLICY MANUAL

X. BEREAVEMENT LEAVE (Continued)

Members of the immediate family shall be defined as the parents, grandparents, spouse, children, grandchildren, brothers, sisters and in-laws or any other relative living in the immediate household of the employee.

XI. SICK LEAVE

Full time employees shall be entitled to five (5) paid sick leave days per year six (6) calendar months of employment.

Unused sick leave will not accrue; however, unused sick leave will be paid to the employee at the end of the year.

XII. RETIREMENT BENEFITS

Will be reviewed from time to time.

XIII. MEDICAL BENEFITS

Will be reviewed from time to time.

XIV. DISCIPLINARY ACTIONS AGAINST EMPLOYEES

DEFINITIONS:

Suspension means either temporary removal of an employee from his/her position with loss of pay preliminary to investigation of charges pending demotion or dismissal.

CUYAMA COMMUNITY SERVICES DISTRICT

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PERSONAL POLICY MANUAL

XIV. DISCIPLINARY ACTIONS AGAINST EMPLOYEES (Continued)

Demotion of an involuntary nature for disciplinary purposes means reduction of an employee from a given position and/or classification to a lower position or classification.

Dismissal means separation, discharge, or permanent removal of an employee from his/her position for cause in accordance with provisions of the laws of the State of California and/or policies, rules and regulations of the Board.

A probationary, substitute, short term or temporary employee may be demoted, suspended, or dismissed at any time, and such action shall not entitle the employee to a hearing before the Board.

A permanent employee may be suspended, demoted, or dismissed for one or more of the following causes:

1. Incompetency, inefficiency, insubordination, inattention to or dereliction of duty, or failure to perform assigned duties in a satisfactory manner.
2. Offensive, abusive, or persistent discourteous treatment of the public or fellow employees.
3. Fraud in securing employment with the District, including but not limited to, failure to disclose material facts regarding criminal records, or other false or misleading information on application forms or examination and employment records concerning material matters.

CUYAMA COMMUNITY SERVICES DISTRICT

CUYAMA COMMUNITY SERVICES DISTRICT PERSONAL POLICY MANUAL

XIV. DISCIPLINARY ACTIONS AGAINST EMPLOYEES (Continued)

4. Habitual drunkenness or drunkenness on duty, addition to the use of narcotics, immoral conduct or sex offense as defined by the Board.
5. Conviction of any felony, or crime involving moral turpitude.
6. Dishonesty, or misuse of public property.
7. Physical or mental incapacity.
8. Failure, after due notice, to report for health examinations required by State Law or Board Policy.
- ~~9. Frequent or persistent failure to pay or to make reasonable provisions for the payment of just debts.~~
10. Repeated and unexcused absence or tardiness, or abuse of illness leave privileges.
- ~~11. Any loss of time caused from accident or injuries received while working another job for compensation.~~
12. Political activity during the assigned hours of duty.
- ~~13. Membership in the Communist Party.~~
14. Advocacy of the overthrow of the Government of the United States; or the State of California by force, violence, or other unlawful means.

CUYAMA COMMUNITY SERVICES DISTRICT

CUYAMA COMMUNITY SERVICES DISTRICT

PERSONAL POLICY MANUAL

XIV. DISCIPLINARY ACTIONS AGAINST EMPLOYEES (Continued)

15. Any willful and persistent violation of the provisions or the rules, regulations, or policies adopted by the Board.

16. Abandonment of position.

17. Such other reasons as are deemed to be inimical to the interest of the District.

The permanent employee against whom disciplinary action is taken, or dismissal procedures are initiated, shall be informed by written notice of the employee's right to a hearing on such charges; the time within which such hearing may be requested (which shall not be less than five (5) days after service of the notice to said employee); and a card of paper, the signing and filing of which shall constitute a demand for hearing and a denial of all charges.

The burden of proof of the charges shall remain with the Board, but the Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

No disciplinary action shall be taken for any cause which arose prior to the employee becoming permanent. Nor shall any disciplinary action be taken for any cause which arose more than two (2) years preceding the date of the filing of the notice of cause unless such cause was concealed or not disclosed by such employee when it could be reasonably assumed that the employee should have disclosed the facts to the Board or its designated representative dealing with personnel administration.

CUYAMA COMMUNITY SERVICES DISTRICT

CUYAMA COMMUNITY SERVICES DISTRICT PERSONAL POLICY MANUAL

XXII. JURY DUTY

All full time employees shall be granted leave for jury duty, with no loss of salary for such duty. The compensation the employee receives for jury duty will be subtracted from his/her salary received from the District.

Employee shall return to work as soon as possible after release from jury duty.

XXIII. PERFORMANCE REVIEW

The purpose of review is to clear up any dissatisfactions or misunderstandings, and to insure that the employee's talents are fully utilized.

The schedule for performance reviews will be as follows:

1. Once in each calendar year the Manager will evaluate the job performance of the hourly workers.
2. The Board will evaluate the job performance of the Manager on a yearly basis.

APPENDIX C

Resignation Letters of Board Members and Formal Complaint

CUYAMA COMMUNITY SERVICES DISTRICT

June 16, 2011

Cuyama Community Services District
Cuyama Community Services District Board Members
4853 Primero Street
P.O. Box 368
New Cuyama, California 93254

Re: Resignation of [REDACTED]

All Board Members of the Cuyama Community Services District
U.S. Wilson, Manager
Vivian Vickery, Controller

This letter serves as written notification of my resignation as Treasurer and Board Member of the Cuyama Community Services District ("CCSD"). My resignation is effective Thursday, June 16, 2011 and is a direct result of the comments made by [REDACTED] during the tape recorded June 15, 2011, Regular Board Meeting.

It is extremely unfortunate that events which have transpired over the last several months have created an environment which no longer allows me to carry out my duties as Treasurer and Board Member.

I am requesting that I be immediately removed as an authorized signer from any and all accounts held by the Cuyama Community Services District.

I sincerely hope the remaining CCSD Board Members are able to make progress with the strategic planning for the District and work through several personnel issues, which are equally important.

[REDACTED]

New Cuyama, California 93254

CUYAMA COMMUNITY SERVICES DISTRICT

This is a document within the meaning of a Public Record

To Malcolm Ricci, Chairman and
To the Board of Directors of the Cuyama Community Services District

Whereas I have served my community as a member of the CCSD Board for twelve years and intended to serve the Cuyama Community Services District at least through my current term, I now feel effectively prevented from performing my role in a way that honors the best interests of the community which the District serves and which I, as a member of the board, have sought to serve.

I do not wish to implicitly endorse patterns of behavior that continue between [REDACTED] and the board, nor continue to polarize into shouting matches with [REDACTED] during meetings, nor further endure his tactics to secure his purposes, nor witness his unpleasant behavior directed at staff and others, nor his repeated refusal to follow District payment enforcement policy at the persistent urging of the Board to do so on the necessary enforcement of delinquent accounts collection.

As the rules of order are only nominally adhered to during meetings, this permits [REDACTED] to consistently interrupt board discussions that may run counter to his objectives and hijack the board's rightful deliberation process. I have no confidence that [REDACTED] can balance his perception of his own needs and his hopes for [REDACTED] he wishes will succeed him, with the best interests of the District and the community - despite [REDACTED] demonstrated experience and competence in the field.

The District is at a perpetually critical financial juncture, and the governing body – the Board – is frequently blocked by long-standing ineffectiveness through majority acquiescence to the [REDACTED] whims which no individual board member can counter. Presently [REDACTED] wants the District to buy a new truck when this is not a current priority or need. He has further stated publicly in board meetings and again on June 18, 2015 that he challenges the Board to fire him. He has stated off the record that he wants a severance package in addition to his current retirement fund in order to agree to retire, and that he has consulted with an attorney regarding his rights. These are examples of poor or conflicted judgment and a covert threat.

I no longer believe these conditions can be corrected or improved within the District under the present circumstances because of deeply entrenched patterns. It has been my long-held intention to assist the Board in overcoming this divisive atmosphere. However, as a matter of personal ethics and exposure to personal risk, I will no longer serve on the CCSD Board of Directors as long as [REDACTED]. After protracted frustration and considerable thought, and because of the present circumstances, I therefore and with sincere regret hereby tender my resignation as vice-chairman of the Cuyama Community Services District. This letter is further intended to be part of the permanent record of District business.

Regrettably, [REDACTED]

Date: July 9, 2015

CUYAMA COMMUNITY SERVICES DISTRICT



November 19, 2015

Board of Directors
Cuyama Community Services District
4853 Primero Street
New Cuyama, CA 93254

Dear CCSD Board Members:

I present this letter to you as a written record of my complaint against [REDACTED] of Cuyama Community Services District, [REDACTED]

The Board of Directors held a special board meeting on Thursday, November 5th. At that meeting I presented an e-mail message from Cindy Cook, SRF Program Coordinator from California Rural Water Association. I received her message the morning of the meeting and issued copies to Board Members and [REDACTED] at the meeting. The message contained information regarding Drinking Water Treatment Operator and Wastewater Treatment Operator certification requirements.

The next morning on Friday, November 6th, [REDACTED] confronted me regarding the special board meeting and the e-mail message. First, he instructed me to provide any information to him before Board Members. He stated that he did not know what was going on with all of this and all he hears about is licenses. I told him that the rules are that operators need to have licenses and that is what the rules have been. [REDACTED] replied to me, "You're full of shit." I told him, "No, I'm not," and he responded, "Yes, you are."

Then I was again instructed by [REDACTED] that until he gets out of here, he wants to see everything before it goes to the Board because he is in charge. I told him that I have always given him any information that the Board receives and he received that e-mail message at the same time as the Board.

[REDACTED] instructed me not to answer any of the questions from the Board, and I told him that I answer the questions asked to me. He replied, "You answer the questions because the Board is going to you. I'm going to find out, and the next board meeting is going to be something else."

From there he proceeded to tell me that I am doing all of it and I am not the one with the licenses hanging on the wall; they are his until he gets his ass out of here. Then he asked me, "What are you going to do, are you going to go out there and do the work?" I replied that I have never tried to do his job; I have just tried to do my job the best I can.

CUYAMA COMMUNITY SERVICES DISTRICT

During this episode, [REDACTED] language was offensive, and his voice was raised. It was not a discussion. His behavior was harassing, and the situation was very stressful for me. His badgering continued on for nearly half an hour, and he slammed the door as he left the office.

"Abusive conduct" as defined by California state law, means conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.
(California Government Code section 12950.1(g)(2).)

There have been many incidents of abusive conduct by [REDACTED] towards me in the workplace over the course of years, although this is the first written complaint that I have presented to the Board. [REDACTED] once told me that he would find a way to get rid of me one way or another, whether he was here or not. I allowed his intimidation to prevent me from addressing the Board. Even now, it is difficult to overcome the fear of retaliation.

Although CCSD Personnel Policy does not specifically address abusive conduct of an employer or employee or workplace bullying, I do not believe that it is your intention to allow it to exist within the CCSD business office. CCSD Personnel Policy Section XIV, Disciplinary Action Against Employees does state that a permanent employee may be suspended, demoted, or dismissed for the cause of offensive, abusive, or persistent discourteous treatment of the public or fellow employees.

The CCSD Board of Directors is the executive power of the District. I realize that the Board is facing many important decisions that will impact the future of the District. I respectfully request that the Board consider its authority for the sake of a healthy and productive work environment for me to perform my duties as Controller.

Sincerely,

[REDACTED]

Cuyama Community Services District

CUYAMA COMMUNITY SERVICES DISTRICT

APPENDIX D

Work Environment Data

The following are excerpts from meeting minutes and opinions from interviews conducted by the Jury:

- a. ... becomes disrespectful and disruptive when the discussion does not go their way.
- b. ...no employee should be subjected to the hostile work environment and verbal abuse...
- c. ...that part of the manual dealing with verbal abuse [Section XIV. Disciplinary Actions 2.] has been violated
- d. Board members have observed verbal abuse.
- e. Some board members have resigned due to the hostile environment at board meetings.
- f. ... an atmosphere of intimidation exists in the office and staff will not call 911 when necessary...
- g. ...a community services district crippled by intimidation....
- h. ...became utterly and completely irrational...
- i. ...the board is an inconvenience...
- j. ...a former board member interrupts board meetings and yells...
- k. The minutes from the November 19, 2015 Board meeting, when a formal complaint was filed, include the following: "At this time, [REDACTED] addressed the Board and gave her reason for attending the board meeting. She reported that she came to hear the Board's plan in response to the employee complaint. [REDACTED] informed the current Board Members and guests that she had previously served on the Board of Directors and was aware of the [REDACTED] prior conduct. She stated that she left the Board because of her own personal experiences with [REDACTED]. [REDACTED] proceeded to encourage the Board to do the right thing in response to the complaint, and she expressed the need for accountability."

CUYAMA COMMUNITY SERVICES DISTRICT

APPENDIX E CCSD Policies

CUYAMA COMMUNITY SERVICES DISTRICT

ARTICLE 10 - DISCONTINUANCE OF SERVICE

1-1003. Non-payment of Bills

Service will be discontinued for non-payment of bills after the twentieth (20th) day of the third (3rd) month when the aggregate balance has not been paid in full. At least five (5) days prior to such discontinuance, the customer will be sent a final notice informing him that discontinuance will be enforced if payment is not made within the time specified in said notice. The failure of the District to send, or any such person to receive, said notice shall not affect the District's power hereunder.

CUYAMA COMMUNITY SERVICES DISTRICT

CUYAMA COMMUNITY SERVICES DISTRICT

Policy No. 91-1.1

A POLICY OF THE BOARD OF DIRECTORS OF CCSD

REGARDING USE OF DISTRICT-OWNED VEHICLES

WHEREAS, the CUYAMA COMMUNITY SERVICES DISTRICT is a public agency formed under section 30,000 of the Water Code of the State of California; and

WHEREAS, the Board of Directors may establish, from time to time, policies and procedures for the conduct of the District's business; and

WHEREAS, the Cuyama Community Services District provides, or plans to provide, vehicles for the use of certain employees, rather than reimburse use of personal vehicles for District business; and,

WHEREAS, an appropriate policy must be adopted to manage the use of all District vehicles for any employee;

NOW, THEREFORE, it is the policy of the Board of Directors of the Cuyama Community Services District, until such policy shall have been amended or rescinded;

1. That as to District vehicles provided for the use of any employee(s), said vehicles are provided for use in conducting District business; and may be used for commuting from employee's residence to and/or from his/her worksite(s), but shall not be used for any personal purposes.
2. Each driver of a District owned vehicle shall have a valid California driver's license (a driver new to California will be permitted a 30-day period in which to obtain a California license, provided such driver holds a valid license from another state); and
3. Each driver shall provide the District with a copy of the driver's current license.
4. Each driver shall be a verified employee of the District or a member of the Board of Directors.
5. Each driver shall refrain from driving if they have partaken of alcohol, drugs or medication which in any way may impair their driving skills.
6. Each driver shall adhere to any and all traffic regulations applying to the State of California or any subdivision thereof.
7. Each driver receiving any ticket for a traffic violation shall be personally responsible for the cost and consequences of said ticket.

CUYAMA COMMUNITY SERVICES DISTRICT

Policy No. 91-1 cont.

2.

8. Each driver shall restrict their passengers to a member of their family, a member of the CCSD Board of Directors, or other authorized personnel.
9. Each driver and all passengers will wear seat belts at all times.

We, the undersigned, being the duly qualified Chairman and Vice Chairmen, respectfully, of the Board of Directors of the Cuyama Community Services District, do hereby certify that the above and foregoing resolution was adopted and passed by resolution of the Board of Directors of said District at a meeting thereof held on the 14th day of August, 1991, by the following vote:

Yeas, and in favor of thereof, Directors:

Melvin Kirschenmann
Harry Steinberg
Bob Rawson
Don Cox

Noes, Directors:

Absent, Directors:

Rick Killion

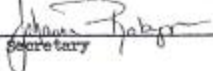


Chairman



Vice Chairman

Recorded by the Recording Secretary,



Secretary



SANTA BARBARA COUNTY – GRADING CODE

SANTA BARBARA COUNTY – GRADING CODE

Where the Dozer Meets the Dirt Poorly Defined and Unevenly Enforced

SUMMARY

In accordance with Penal Code Section 925, the 2015-2016 Santa Barbara County Grand Jury (Jury) investigated the process by which grading permits in Santa Barbara County are required, granted, or denied. Additionally, the Jury examined whether the inspection process and final results are consistent with the original permits issued.

The Jury found that the Santa Barbara County Grading Code, Chapter 14 and the post approval procedures set forth in Chapter 35 include exemptions and practices that are ambiguous and subject to interpretation by the local Field Grading Inspectors. These discretionary interpretations have led to different standards being applied to similarly situated parcels. Permit revisions complicate the issue and lack the clarity necessary for due process. The Jury recommends that the Code and permitting process be modified to eliminate the ambiguities for the benefit of both the inspectors and landowners.

BACKGROUND

There are problems in the Santa Barbara County Grading Code, Chapter 14 (Code) which arise from a lack of clarity in defining exemptions, a poor definition of what constitutes 50 cubic yards of earth moved, inconsistent slope definition, and vagueness when permits are extended or revised. For example, the Jury learned that one exemption to the requirement for obtaining a permit is “movement of less than 50 cubic yards of earth”. The Code does not state whether the 50 cubic yard threshold is by day, month, year, project duration, or over the life of the parcel. Nor does the Code address the issue of compacted or uncompacted earth (compacted earth has up to 30% less volume than uncompacted earth).

Inconsistencies also exist when the scope or conditions of a grading permit are exceeded while the work is being performed. If the additional volume of earth moved is less than fifty cubic yards above the permitted amount, the project may be exempt from the entire permit, revision, and review process. If the additional volume of earth moved exceeds fifty cubic yards above the permitted amount, then grading inspectors have wide discretion. They could:

- 1) issue a violation
- 2) allow the owner to submit an “as built” plan reflecting what was actually done
- 3) require a revised plan, or
- 4) take no action

The project impact on the landowner can be substantial, depending upon the grading inspector's interpretation of the Code. The financial impact could range from nothing, to submitting an updated plan, to doubled fees for permitting and possibly fines of \$100 per day.

METHODOLOGY

The Jury interviewed County Planning and Development Department (P&D) staff as well as private land planners. In addition, the Jury studied the Code and hypothesized several situations which were used as test cases for evaluating the effect of differing interpretations of the Code. A subset of the Code, Appendix A, is provided for reader convenience. It highlights all references in the Code to "50 cubic yards". It should be noted that none of the references include either a time frame or a definition of what constitutes 50 cubic yards of earth.

OBSERVATIONS AND ANALYSIS

In order to fully understand the potential negative impact of the Code's ambiguities and the inconsistent practices of the County P&D, it is necessary to understand the *entire* process of obtaining a construction and/or grading permit. It is also necessary to understand the intent of the Board of Supervisors (BOS) when enacting the Code.

The Jury reviewed the following items:

- Mandated Permitting Process Considerations
- Ambiguities Related to "Slope"
- Work Which Exceeds the Permitted Scope
- Observed Grading Where No Permit Exists

Mandated Permitting Process Considerations

A. Individual Community Plans

Community Plans are developed by committees within local jurisdictions in the unincorporated areas of Santa Barbara County. These plans are approved by the BOS. There are eight community plans representing various jurisdictions, all are somewhat different. All new construction taking place within a Community Plan's jurisdiction must adhere to the specific policies.

When an applicant first applies for a Land Use Permit (LUP), the application will be assigned to a land planner who will review the application and ensure that all applicable ordinances are satisfied. The land planner must be familiar with the policies of all community plans affecting their area. These include differing Hillside and Watershed Protection Policies in each of the eight Community Area Plans and One Specific Plan (Mission Canyon). Some examples are contained in Table 1.

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Table 1. Hillside and Watershed Protection Policies in Selected Community Plans

Goleta Valley Community Plan	“Ground disturbances and development on slopes of 20% or greater should be avoided ”
Eastern Goleta Valley Community Plan	“Ground disturbances and development on slopes of 20% or greater should be avoided ” “ <i>No development shall be allowed on slopes of 30% or greater</i> ”
Montecito Community Plan	“Development on Portions of the site that exceed 30% slopes which are located outside constrain areas <i>should be limited to single family lots of five or more acres in size</i> ”
Santa Ynez Community Plan	“Hillside grading over 30% on residential and commercial land should be severely restricted”

B. Santa Barbara County Fire Department ‘Driveway’ Standards

In addition to the requirements set forth in A. above, the applicant must also comply with the Santa Barbara County Fire Department Driveway Standards for new construction which states:

- “*Gradients up to 20% may be allowed with extenuating circumstances. Any gradient approved above 15% in slope must consist of a concrete structural section designed by a civil engineer. At no time shall any Fire Department access exceed 20%*”.

C. California Environmental Quality Act (CEQA)

The applicant must also comply with CEQA. There are many exceptions and exemptions, but each application is reviewed for overall impact. Among other things, some applications may require an Environmental Impact Report (EIR), or a Negative Declaration with Mitigation by the property owner. The process is summarized on this link:

http://longrange.sbcountyplanning.org/about_landuse.php

D. Notice and Appeals

Per the Land Use Development Code (LUDC), all permit applications require that notice be given to all neighboring parcels and property owners. They have a right to:

- review proposed development plans, and if they object then;
- appeal to the Planning Commission (PC) followed by;
- appeal to the Board of Supervisors

Once the P&D application process is completed, the applicant must then apply for a building permit from the Santa Barbara County Department of Building and Safety (B&S). At the B&S, the grading portion of the plan is then forwarded to either the North or South County Grading Inspector. Guided by the Code, which states “The Board of Supervisors expressly finds that the regulations, conditions and provisions of this chapter constitute minimum standards and procedures necessary to protect and preserve life, limb, health, property and public welfare....” the grading inspector reviews the building permit application. After the inspector verifies that the project meets all Code criteria, the B&S issues a grading permit. The fees for this permit are proportional to the volume of earth moved. The permit is usually valid for one year but extensions may be granted.

Ambiguities Related to ‘Slope’

The Code is confusing when defining the term “% slope”. This terminology is used in several ordinances and regulations. The % slope is the change in altitude per foot of horizontal distance. As an example, a change in altitude of 30 feet over 100 feet of horizontal distance would be a 30% slope or 16.7 degrees. The relationship between % slope and slope angle is summarized on Table 2.

Table 2. Relationship Between % Slope and Slope Angle

Vertical Change in Feet per 100 Feet of Horizontal Distance	% Slope	Slope Angle in degrees
100 ft.	100 %	45.0°
70 ft.	70 %	35.0°
60 ft.	60 %	31.0°
50 ft.	50 %	26.5°
40 ft.	40 %	21.8°
30 ft.	30 %	16.7°
20 ft.	20 %	11.3°
10 ft.	10 %	5.7°

Work Which Exceeds the Permitted Scope

If the volume or scope of a permit is exceeded, the Code allows, at the discretion of the inspector, a stop work notice which can lead to violations and fines. Alternatively, the inspector may allow the landowner to submit a document which describes only work done in excess of the original permit. This document is commonly known as an “as built”. If it was a grading issue, the inspector might require a current survey depicting several points of elevation, which allows for wide variations in discretion. At that point the permit would be finalized or, at the discretion of the inspector, the landowner may be required to submit a revision to the grading plan of the original permit. Any revision requires re-approval by P&D but no notice is given to adjacent landowners.

If a revision is deemed appropriate by the inspector, a new set of plans is required showing the particulars of the revision in accordance with the LUDC Post Approval Procedures 35.84.040. (See Appendix B). The variations within the LUDC have substantially different effects. For the landowner, the cost in lost time and financial impact varies. For the community and surrounding landowners, they lose the opportunity to review, dispute, or appeal the final result.

The LUDC revision protocol requires the P&D Director to determine whether a change is minor and it conforms substantially to the approved plans and the original permit. In reality, a subordinate planner in P&D, makes the decision relying partially on the grading inspector’s input. Once the decision is made to allow minor changes, they become final and not subject to appeal. These changes do not require additional notice to neighbors and generally do not require additional fees.

According to interviewees, numerous revisions can be, or have been, issued for the same original permit. This effectively prolongs the permit life and is in direct violation of Code Chapter 35 that

states, “2. *Where a minor change of an approved or issued Coastal Development Permit or Land Use Permit, or issued Zoning Clearance is approved, the permit or clearance shall have the same effective and expiration dates as the original permit or clearance and no additional public notice shall be required.*” Numerous revisions can significantly and incrementally expand the scope of the project, one *minor* revision at a time. A review of these cumulative changes would possibly trigger a much higher level of scrutiny or even denial of the original permit.

Additionally, an “as-built” or revision, put into effect after the fact, can bypass the proper required inspection for *minimum safety standards* for work performed on 20% and greater slopes. Multiple revisions, issued either before or after the work was completed, can effectively extend the life of the original permit for years. These same multiple revisions, each one minor, can add up to a major modification of the impact on the local area 50 cubic yards at a time. Those multiple revisions can also directly impact the CEQA, coastal zones, environmentally sensitive habitats and total review of the project. It also bypasses the neighbors’ right to review the changes that could cumulatively impact them.

The ambiguities in the Code and the subjective enforcement practices allow a range of outcomes. As an example, one landowner could move 49 cubic yards of earth every few weeks and be exempt from any permit requirements, while a neighbor could be required to submit a revision request, or receive a violation for the same activity.

A landowner who exceeds the scope of the permit could be allowed an “as-built”, or be required to submit a revision without being fully reviewed by P&D or neighbors. These procedures could bypass the careful consideration that County staff use in analyzing local ordinances and regulations during the LUP process. For example, one Community Plan within the county prohibits any grading on slopes greater than 30%, while the *Grading Code Sec. 14-25 – Excavations*, states: “(a) No excavation shall be made with a cut face steeper in slope than one and one-half units horizontal to one unit vertical....” This allows the creation of slopes of 33.7° or 67%. Differences between the Community Plans and the County Code can be problematic. The inconsistencies make it very difficult to understand which Code takes precedence. Historically, appeals have usually been resolved in favor of the local Community Plan.

The Jury found that grading inspectors from county P&D who are responsible for North and South County inspections vary in their interpretation as it applied to processing LUDC applications that included grading 50 cubic yards of earth.

Observed Grading Where No Permit Exists

Currently, no policy requires inspectors to investigate improper activities involving grading observed by an inspector when no complaint has been filed. The only method of initiating an investigation is by a complaint initiated by a member of the community.

CONCLUSIONS

The 2015-2016 Santa Barbara County Grand Jury concluded that the Santa Barbara County Grading Code does not adequately define the criteria the County Planning and Development Department must use when it processes Land Use Permit Applications that require grading. As a result, decisions are left to the individual grading inspector’s discretion. This can lead to inconsistent treatment of permittees and their neighbors, which unfairly allows variability in the permitting process.

FINDINGS AND RECOMMENDATIONS

Finding 1

The Santa Barbara County Planning and Development Department is inconsistent in its enforcement of grading violations.

Recommendation 1

That the Santa Barbara County Board of Supervisors review and revise the Santa Barbara County Grading Code, Chapter 14, to include language that ensures more consistent enforcement.

Finding 2

There is no present requirement for the Santa Barbara County Planning and Development Department inspectors to investigate questionable grading activities they observe unless a complaint is filed by a member of the community.

Recommendation 2

That the Santa Barbara County Board of Supervisors mandate that the County Planning and Development Department inspectors investigate all questionable grading activities that they observe, or become aware of by any other means.

Finding 3

Because the Code is vague in its definition of time frame, grading inspectors for North and South County differ in their interpretation of how to enforce the Santa Barbara County Grading Code, Chapter 14, when processing Land Use Development Permit Applications that include grading of 50 cubic yards or more of earth.

Recommendation 3

That the Santa Barbara County Board of Supervisors revise the Santa Barbara County Grading Code, Chapter 14, to further define its 50 cubic yard criterion; specifically, how it relates to time frame and/or permit.

Finding 4

The Grading Code, Chapter 14, (Sections 14-6, 14-8, 14-9.2) does not state how often a property owner can move less than 50 cubic yards of earth, which is exempt from the permitting process; allowing a property owner to move massive amounts of earth in multiple 49.9 cubic yard increments without any timeframe limitation.

Recommendation 4

That the Santa Barbara County Board of Supervisors revise the Grading Code to specify how many times within a given timeframe the property owner can move less than 50 cubic yards of earth without a permit.

Finding 5

The Grading Code, Chapter 14, (Sections 14-6, 14-8, 14-9.2) does not state what degree of compaction is used in defining what constitutes 50 cubic yards of earth.

Recommendation 5

That the Santa Barbara County Board of Supervisors mandate that the County Planning and Development Department revise the Grading Code, Chapter 14, (Sections 14-6, 14-8. and 14-9.2) to further define 50 cubic yards of earth, as it applies to compaction.

Finding 6

Santa Barbara County Land Use Development Code Chapter 35 section 35.84.040 allows multiple permit revisions, which can incrementally and substantially expand the scope of a permit without notice or review by adjacent property owners.

Recommendation 6

That the Board of Supervisors direct the Santa Barbara County Planning and Development Department to revise the Santa Barbara County Land Use Development Code Chapter 35 section 35.84.040 to notify neighbors whenever they consider revisions on active projects to ensure that all affected parties are included in the notice and review process.

Finding 7

Differences between the Santa Barbara County Grading Code and local Community Plans regarding definition of slope cause inconsistent grading and enforcement.

Recommendation 7

That the Board of Supervisors direct the Santa Barbara County Planning and Development Department to establish internal policies which eliminate inconsistencies between the County grading code and local Community Plans, regarding the definitions of slope.

REQUEST FOR RESPONSE

Pursuant to *California Penal Code Section 933 and 933.05*, the Jury requests each entity or individual named below to respond to the enumerated findings and recommendations within the specified statutory time limit:

Santa Barbara County Board of Supervisors – 90 Days

Findings 1, 2, 3, 4, 5, 6 and 7

Recommendations 1, 2, 3, 4, 5, 6 and 7

APPENDIX A

Appendix A is a portion of the Santa Barbara County Grading Code and has been edited selectively to show only those Grading Code text sections dealing with ***fifty cubic yards*** of grading. Any mention of ***fifty cubic yards*** within the code has been bolded/italicized for reader convenience.

- Section 14-6. - Scope; general regulations,
- Section 14-8. - Grading for agricultural practices; and
- Section 14-9.2. - Pollution, sediment and erosion control permits, applications and inspections.

SANTA BARBARA COUNTY GRADING CODE, CHAPTER 14 (Sections 14-6, 14-8 and 14-9.2)

(Ord. No. 4766, 11-9-2010)

Sec. 14-6. - Scope; general regulations.

(a) **Except as herein provided or exempted elsewhere in this chapter**, these regulations, including the incorporation of relevant best management practices, shall apply to all new grading, excavations, fills, non-agricultural land disturbance, erosion and sediment control measures, drainage devices, cuts, borrow pits, stockpiling, compaction of fill, and land reclamation projects on privately owned land **where the transported amount of materials** individually for any of the abovementioned operation(s) (I) ***exceeds fifty cubic yards***; (II) causes a cut or fill which exceeds three feet in vertical distance to the natural contour of the land; (III) cause any changes in elevation to the natural contour within the watercourse/drainageway setback, regardless of volume moved; (IV) disturb an area of land in excess of that outlined in section 14-9.2b of this chapter. Agricultural grading, whether exempt or required to be permitted hereunder, is not subject to NPDES Phase II storm water regulations or the local storm water requirements imposed by this chapter. No work subject to the provisions of this chapter shall be commenced, maintained or completed, in violation of these regulations. These regulations shall also apply to native oak tree removal that is subject to the guidelines for native oak tree removal in Appendix A to this chapter.

Notwithstanding these regulations, no person shall cause or allow a significant environmental impact to occur as a result of new grading as defined herein, including grading that is otherwise exempt from these regulations. In the event that the director determines that a significant environmental impact is likely to occur or has occurred as a result of new grading, the director may deny or revoke grading and/or land use permits for such grading. If necessary, the director may also require grading and land use permits for work that is otherwise exempt from these regulations in order to address the significant environmental impact identified.

Grading that is undertaken as part of a Federal Cost Share project (including, but not limited to, projects under the Conservation Reserve Program (CRP), the Wildlife Habitat Improvement Program (WHIP) and/or the Environmental Quality Incentive Program (EQIP), approved by the Natural Resources Conservation Service (NRCS) with a finding of no significant impact under the National Environmental Policy Act and conducted pursuant to the National Handbook of Conservation Practices, consistent with the mandated nine-step planning process including post installation field assessment, shall not be considered to result in a significant environmental impact under this section. Native oak tree removal of protected and unprotected size, as defined in Appendix A, that is subject to and performed consistent with the guidelines for native oak tree removal as set out in Appendix A to this chapter is not subject to the significant environmental impact clause above. All other oak tree removal that involves grading is still subject to the requirements of this chapter.¹

(Footnotes appear in the original document, but have been omitted in this Appendix for clarity)

The term "grading," for purposes of this chapter, shall not include the activities of the County of Santa Barbara, the Santa Barbara County Flood Control and Water Conservation District, the Beach Erosion Authority for Clean Oceans and Nourishment, the State of California, or the United States.

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The term "grading," for purposes of this chapter, shall also not include surface mining or quarrying operations (including the extraction and stockpiling of excavated products and the reclamation of mined lands) carried out under a vested rights determination, or under a permit or reclamation plan approval issued pursuant to the county's surface mining and reclamation (SMARA) ordinances (except where such grading is intended to support structures which require building permits). The county's surface mining and reclamation ordinances contain provisions for the imposition of appropriate engineering and geologic standards and other environmental mitigation requirements for surface mining permits and reclamation plans, together with associated fees payable to the director.

(b) Aside from areas designated as open space on the Orcutt Community Plan Open Space Areas Map, **these regulations shall not apply to the following exceptions:**

- (1) The stockpiling of rock, sand or aggregate involved in the construction of a building authorized by valid county building permit, as it appears on approved plans;
- (2) Excavation and fill of trenches for utility lines not exceeding twenty-four inches wide or an average of five feet deep, or holes for utility poles or anchors and minor grading accessory thereto;
- (3) Excavation and fill of trenches for maintenance and repair of existing oil and natural gas transmission lines, within established petroleum producing areas not exceeding five hundred cubic yards of material or twenty-four inches wide or an average of five feet deep. The grading shall not occur within two hundred feet of an exterior boundary of a petroleum producing area or within two hundred feet of any residential development including three or more housing units;
- (4) The initial excavation and fill necessary to effect such temporary repair or maintenance of oil and gas and utility lines (located outside of an existing oil producing area) as can be completed within seven days of commencement where such excavation or fill does not exceed a total of one hundred cubic yards of material and where all work is protected, as may be required, by a safety fence or other similar protective device;
- (5) Temporary holes or trenches for geological, geotechnical and archeological exploration, not exceeding one hundred cubic yards of material, where such holes or trenches are protected by a safety fence meeting Occupational Safety and Health Agency standards;
- (6) The excavation of material below finished grade for tanks, vaults, basements, swimming pools, bomb shelters or footings of a building or structure where such excavation is authorized and under the provisions of a valid county building permit; fill placed **in excess of fifty cubic yards**, even if fill is obtained from exempt excavations as noted above, require permits as outlined in this chapter.
- (7) The excavation or deposit of earth materials within a property dedicated, used, or to be used, for cemetery purposes, except where such grading is intended to support structures or affects natural drainage patterns;
- (8) The maintenance and construction work by or under contract with the Santa Barbara County Flood Control and Water Conservation District within prescribed easements or lease agreements;
- (9) The digging of trenches or holes for utility poles and anchors, or underground electric and natural gas vaults that do **not exceed fifty cubic yards** in volume, by public companies within their easements and that are regulated by the California Public Utilities Commission.
- (10) Non-agricultural land disturbance where the area disturbed is, less than one acre, is not within an environmentally sensitive area and is outside the watercourse/drainage way setback (see section 14-9.2b of this chapter for non-agricultural land disturbance permit requirements).
- (11) Maintenance of existing non-agricultural roads and driveways where the cut or fill does not: exceed eight inches, increase the footprint of the roadway, or alter the drainage pattern. Maintenance of existing roads or driveways within this exemption shall not be construed to cause any change to the natural contour.

(Ord. No. 4766, 11-9-2010)

Sec. 14-8. - Grading for agricultural practices.

- (a) The county recognizes the importance of agriculture and shall provide for protection and conservation and the promulgation of safe and environmentally sane earthwork practices. Therefore, grading for the production of food and fiber, the growing of plants, the raising and keeping of livestock incidental to agriculture shall be exempt as provided in this chapter. Such agriculturally associated earthwork as grading for recognized, normal and usual agricultural practices to prepare a

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field for a crop or range improvement, including such harrowing, disking, ridging, listing, fire breaks, chaining, maintenance of existing agricultural roads, and construction of support roads on land with a natural gradient of less than thirty percent, and similar practices which provide prudent measures for erosion control, and which conform to the recommendations of guidelines made or promulgated by the Santa Barbara County agricultural advisory committee is exempt. Agricultural leveling, pursuant to normal and usual agricultural practices, which does not result in any cut or fill which exceeds, at any point, three feet from the natural contour of the surface of the land and which conforms to recommendations or guidelines made or promulgated by the Santa Barbara County agricultural advisory committee is also exempt. In order to qualify for exemption under the provisions of this subdivision; the grading must be conducted upon a parcel or contiguous parcels of land exceeding twenty acres in size under the same ownership upon which crops are grown or livestock is raised. In addition, the property must be in an agriculturally zoned district and/or land use designation with no other special overlay district or designation, as shown on the adopted county zoning maps or comprehensive plan land use maps.

Native oak tree removal associated with the agricultural practices listed above that is subject to and complies with the Guidelines for Native Oak Tree Removal set forth in Appendix A to this chapter is exempt unless a grading permit is required under subsection (c) below.

- (b) Agricultural grading **not exempt** under subsection (a) of this section, grading on slopes with a natural gradient **over thirty percent and where earthwork exceeds fifty cubic yards** in volume and/or when excavation and fills are made in excess of three feet in vertical distance to the natural contour shall require an erosion control permit for agriculturally associated grading such as:
- (1) Grading to establish any new agricultural road, as defined in this chapter;
 - (2) Terracing and leveling where the cut or fill slope exceeds three feet in depth or height.

Note: The director may waive the requirements for the issuance of an erosion control permit if the proposed grading meets the departmental regulations for erosion control permit waiver.

- (c) Agricultural grading for the following projects and including **the following practices is not exempted** under subsections (a) and (b) of this section, and shall comply with all other provisions of this chapter.
- (1) Excavation or fill upon which a building requiring a county building permit is to be supported;
 - (2) The entire length of any access driveway from an existing road to any building which requires a county building permit or site for such building;
 - (3) The grading is in **excess of fifty cubic yards within two hundred feet of any exterior property line;**
 - (4) Grading for areas which are to be used for commercial wholesale or retail nursery operations, or grading for the construction of greenhouses, commercial shade structures, or buildings for which a county building permit may otherwise be required;
 - (5) Grading for horse training facilities, horse tracks, arenas, polo fields, or commercial horse breeding facilities;
 - (6) Any grading within fifty feet of the top of the bank of any stream, creek or natural watercourse; Except where the grading is for maintenance as outlined in section 14-6(b)12 and defined in this chapter or the area has been historically disturbed for farming;
 - (7) The construction of water impounding structures of earth (which are not under the direct control of the State of California or the federal government) where the maximum depth to which water may be impounded is five feet or more where one acre-foot or more of water will be impounded, and is located within two hundred feet of the property line;
 - (8) Grading on agricultural land on slopes over thirty percent which does not meet the departmental regulations for an erosion control permit waiver and which is not deemed appropriate by the agricultural advisory committee, or any grading where there is potential for significant environmental damage. Grading that is undertaken as part of a Federal Cost Share project (including, but not limited to, projects under the Conservation Reserve Program (CRP), the Wildlife Habitat Improvement Program (WHIP) and/or the Environmental Quality Incentive Program (EQIP)), approved by the Natural Resources Conservation Service (NRCS) with a finding of no significant impact under the National Environmental Policy Act and conducted pursuant to the National Handbook of Conservation Practices, consistent with the mandated nine-step planning process including post installation field assessment, shall not be considered to result in significant environmental damage under this section;

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The significant environmental damage clause does not apply to native oak tree removal of protected and unprotected size, as defined in Appendix A that is subject to and complies with the guidelines for native oak tree removal in Appendix A to this chapter.³ All other oak tree removal that involves grading is still subject to the requirements of this section.⁴

(9) Agriculturally associated grading within five hundred feet of any urban boundary line.

(Ord. No. 4766, 11-9-2010)

Sec. 14-9.2. - Pollution, sediment and erosion control permits, applications and inspections.

(a) **No person shall perform any non-agricultural land disturbance which requires a pollution, sediment and erosion control permit as specified in this section and as defined in this chapter, without first obtaining a pollution, sediment and erosion control permit for such work from the building official.**

(b) These regulations, including the incorporation of relevant best management practices (BMPs), shall apply to all non-agricultural land disturbance, erosion and sediment control measures and drainage devices on privately owned land where, (I) **the volume of earth moved is less than fifty cubic yards**; (II) no cut or fill exceeds three feet in vertical distance to the natural contour of the land; (III) there are no elevation changes to the natural contour within the watercourse/drainage way setback; **and where the area of non-agricultural land disturbance meets or exceeds one or more of the following:**

(1) **One acre or more of non-agricultural land disturbance;**

(2) **Five thousand square feet or more of non-agricultural land disturbance occurs on slopes with a natural gradient over thirty percent;**

(3) **Five thousand square feet or more of land disturbance occurs within the watercourse/drainage way setback, including any street, curb, gutter and/or storm drain conveyance system that discharges directly into a watercourse or drainage way.**

Exception: Pollution, sediment and erosion control permits are not required for, (I) undisturbed land clearing or (II) non-agricultural land disturbance in an urban area within fifty feet of a drainage way or street, curb gutter, and/or storm drain conveyance system, or non-agricultural land disturbance in a rural area within one hundred feet of a drainage way or street, curb, gutter and/or storm drain conveyance system between April 15 and October 31 provided the area of disturbance is less than one acre and the area has been re-stabilized by October 31.

Note: These are minimum requirements. If the director or the building official determines that additional controls and/or lower thresholds for non-agricultural land disturbance are required to meet specific water quality regulatory requirements in watersheds that drain to impaired receiving waters (as defined by the Central Coast Regional Water Quality Control Board), additional requirements may be imposed due to the project's proximity to the watercourse, steepness of the slopes, soil type, sensitive habitats, etc.

(c) Notwithstanding these regulations, no person shall cause or allow a significant environmental impact to occur as a result of non-agricultural land disturbance as defined herein, including non-agricultural land disturbance that is otherwise exempt from these regulations. In the event that the director determines that a significant environmental impact is likely to occur or has occurred as a result non-agricultural land disturbance, the director may deny or revoke the pollution, sediment and erosion control permit. If necessary, the director may require a pollution, sediment and erosion control permit for work that is otherwise exempt from these regulations in order to address the significant environmental impact identified.

(d) Where pollution, sediment and erosion control permits are required under provisions in this chapter, they shall be valid for a period of two years from the date of issuance, except that prior to expiration of the permit the building official may grant a two-year extension for good cause shown.

(e) Fees for each pollution, sediment and erosion control permit shall be paid to the county according to a fee schedule adopted from time to time by resolution of the board of supervisors. The amount shall be equal to the pollution, sediment and erosion control inspection fee for the purpose of a time extension.

(f) The application and plans for a pollution, sediment and erosion control permit for non-agricultural land disturbance shall include evidence of the inclusion of erosion and sediment control measures, including, but without limitation, the following:

(1) An application and three sets of plans sufficiently detailed to allow reasonable review and interpretation of the proposed work and the associated erosion control measures provided.

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Maps shall include all property boundaries and shall be drawn to the scale of one inch equals forty feet or the most reasonable scale available for the area;

- (2) The location and details of runoff control, drainage devices, sedimentation control, pollution control and other measures of erosion control (BMPs), including re-vegetation of denuded areas;
- (3) A brief description of the re-vegetation practices to be used, including types of seeds and their application rates. Where surface erosion will not be a nuisance, re-vegetation may be delayed until just prior to the end of the project.

APPENDIX B

This Appendix is a portion of the Santa Barbara County Land Use & Development Code, Chapter 35, and has been edited selectively to show only those codes which apply to Post Approval Procedures. To review the complete code use the following link; <http://sbcountyplanning.org/pdf/forms/LUDC/LUDC.pdf>

SANTA BARBARA COUNTY CODE - CHAPTER 35 - COUNTY LAND USE & DEVELOPMENT CODE Post Approval Procedures 35.84.040

SBC LUDC page 8-68 35.84.040 - Changes to an Approved Project

Development or a new land use authorized through a planning permit granted in compliance with this Development Code shall be established only as approved by the review authority and in compliance with any conditions of approval, except where a change to the project is approved in the following manner. A change may be requested before, during or after construction or establishment and operation of the approved land use.

A. Contents of application. An application for a change to an approved or issued planning permit shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

B. Minor changes to Coastal Development Permits, Land Use Permits, and Zoning Clearances. Minor changes to an approved or issued Coastal Development Permit or Land Use Permit, or issued Zoning Clearance, may be allowed; provided, the changes substantially conform to the approved or issued permit or clearance. A request shall be processed in the following manner:

1. The Director may approve a minor change to an approved or issued Coastal Development Permit or Land Use Permit, or issued Zoning Clearance, subject to all of the following:
 - a. The Director determines that the minor change substantially conforms to the approved plans and the originally approved or issued permit;
 - b. There is no change in the use or scope of the development;
 - c. The minor change does not result in a change to the Director’s conclusions regarding the project’s specific conformance to development standards and findings;
 - d. The Coastal Development Permit, Land Use Permit or Zoning Clearance has not expired; and
 - e. The minor change is exempt from Design Review in compliance with Section 35.82.070 (Design Review).
2. Where a minor change of an approved or issued Coastal Development Permit or Land Use Permit, or issued Zoning Clearance is approved, the permit or clearance shall have the same effective and expiration dates as the original permit or clearance and no additional public notice shall be required.
3. Where it cannot be determined that the minor change materially conforms to an approved or issued Coastal Development Permit or Land Use Permit or issued Zoning Clearance in compliance with the above criteria, a new Coastal Development Permit, Land Use Permit, or Zoning Clearance shall be required.

4. The determination to allow a minor change to an approved or issued Coastal Development Permit or Land Use Permit, or issued Zoning Clearance is final and not subject to appeal, except that a decision on a request to revise a Coastal Development Permit which allows development defined as appealable development may be appealed in compliance with Chapter 35.102 (Appeals).

Note: Also refer to Appendix E (Guidelines for Minor Changes to Coastal Development and Land Use Permits).

**SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 35, APPENDIX E**

**GUIDELINES FOR MINOR CHANGES TO
COASTAL DEVELOPMENT PERMITS AND LAND USE PERMITS**

The following guidelines shall be used by the Department to determine if a minor change to an approved or issued Coastal Development Permit or Land Use Permit can be allowed without requiring a new permit.

1. The proposed change would otherwise be exempt from Design Review pursuant to Section 35.82.070 (Design Review).
2. The proposed change would otherwise be exempt from a Coastal Development Permit or Land Use Permit pursuant to Section 35.20.040 (Exemptions from Planning Permit Requirements).
3. The project has not been the subject of substantial public controversy or interest and there is no reason to believe that the proposed change has the potential to create substantial controversy.
4. The change does not increase the height of the roof ridgeline.
5. The change would not be counter to design direction provided by the applicable Board of Architectural Review.
6. If the site is one acre or less, the footprint of the structure may not be moved more than five percent closer to the property line. If the site is more than one acre, the footprint of the structure may not be moved more than 10 percent closer to the property line.
7. The change does not result in the removal of a specimen trees.
8. The change does not affect easements for trails, public access, or open space.
9. The change does not increase the required number of parking spaces.

If the proposed “minor” change does not conform to the guidelines identified above, the applicant should apply for a new planning permit.



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You Can't Drink Paper Water

SUMMARY

The 2015-16 Santa Barbara County Civil Grand Jury (Jury) investigated the operations of the Cachuma Project. Surface water supplies from Lake Cachuma, Jameson and Gibraltar reservoirs, and the State Water Project during “normal” rainfall years, comprise the largest percentage of water used by the citizens of the South Coast of Santa Barbara County. Historically, Lake Cachuma alone has provided up to 85% of the water needs for approximately 340,000 acres of agriculture and 250,000 residents. Unlike groundwater, State Project Water, recycled wastewater, or desalinated water, the water from Lake Cachuma is a shared local resource and its use must be managed efficiently, cooperatively, and without regard to local political pressure.

Under contractual agreement, Lake Cachuma’s water supply has been allocated to south coast residents with the goal of the supply withstanding a six to seven-year drought cycle. The lake was last full to the point of spilling in March 2011 and after four years, the lake was virtually dry. This reality indicates that the contract is outdated. The maximum supply of water on paper is not the actual supply available, and the supplies from Lake Cachuma are over allocated.

The 1995 master contract¹ between the United States Bureau of Reclamation and the Santa Barbara County Water Agency for water service from the Cachuma Project is up for renewal in 2020. Now is the time for all member units of the Cachuma Project to work together to maximize efficiency in using the available supply of water. This report discusses, among other concerns, the issues that need to be considered during the contract renewal process. Annual safe yield (the amount of water that can be released every year) must be based on the water available at contract renewal and must take into account lower reservoir capacity due to siltation, demands for downstream water rights, and federal requirements to maintain fish habitat that did not exist when the master contract was first approved. This contract renewal must determine a new operating mode whereby water is distributed on a sliding scale based on the number of consecutive dry years, rather than the current practice of allowing each member unit to assume that a specific volume of water will be available to them every year. Finally, the contract should require more frequent reviews to address changing water needs.

This report also addresses the need for member units to manage their water portfolios and to work together to address how they will supply their water customers during potentially worse drought periods which may occur in the future.

¹ *United States Department of the Interior, Bureau of Reclamation, Cachuma Project, California, Contract Between the United States and Santa Barbara County Water Agency Providing for Water Service from the Project, 1995.*

INTRODUCTION

Background

The Cachuma Project, consisting of Bradbury Dam, Tecolote Tunnel, and the South Coast Conduit, was conceived and built to be “the long term solution” for the South Coast’s increasing water problems. Construction of the project was authorized in 1948 and completed in 1956. It was intended to address the water needs of the growing population and the expansion of agriculture occurring throughout the 1930s and 1940s. Many descriptions exist in the historical record of the dire situation and water needs of the South Coast as far back as 1769² when the arrival of “a small addition of a presidial garrison threw nature’s water supply out of balance.” In the early 1900s “...available water sources could not keep pace with demand..., ...underground springs were being pumped faster than they could be replenished causing groundwater levels to drop..., water rationing and fines were implemented for overuse”³. These descriptions can be used to describe the continuing water crisis that the area faces today.

Lake Cachuma (Lake) was created by the Cachuma Project and was meant to be the most reliable source of water for the South Coast. The original design capacity was 205,000 acre feet (AF); enough, it was thought, to weather a six to seven-year drought cycle.

A new role was established for Lake Cachuma as a storage reservoir for water from the State Water Project with the completion of the State Water Project infrastructure in 1997. In years of severe drought the only water in the Lake may be water transported there via the State Water Project infrastructure.

Finally, since its formation, Lake Cachuma has become a very popular recreation destination. It provides camping, fishing, picnicking, hiking, and boating activities. The Cachuma recreation area, administered by the Santa Barbara County Parks Department, has approximately half a million visitors a year. The Lake has become a valuable environmental and recreational resource for the community. The Lake and park area have become home to a variety of fish, plants, wildlife, and birds, including bald eagles. To protect this man made natural, thriving habitat, 12,000 AF of water, referred to as the “dead pool”, must be retained in the Lake at all times.

² *Santa Barbara Past and Present, An Illustrated History*, Walker A. Thompkins, 1975

³ US Department of the Interior, Bureau of Reclamation, Cachuma Project History website
<http://www.usbr.gov/projects/Project>

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Photo of Lake Cachuma August 2013



Photo of Lake Cachuma January 2016

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The Contract

The Santa Barbara County Water Agency (Agency) was created in 1945 for the purpose of entering into an initial contract with the Federal Government’s Bureau of Reclamation (USBR) for developing the Cachuma Project. The Agency acts as an intermediary as it also entered into subcontracts with the City of Santa Barbara and the Goleta, Montecito, Summerland County, Carpinteria County, and the Santa Ynez River Water Conservation Districts. These six agencies are all designated as “member units” of the Cachuma Project. Subsequently, the Montecito and Summerland Water Districts merged into the Montecito Water District.

The initial 1949 contract explains why the Cachuma Project was needed: “the lands and inhabitants within the Agency and within each and all of said Districts are in critical need of additional water for municipal, domestic, and irrigation uses...”; “...the ground-water supplies are seriously depleted and in need of replenishment...”⁴.

Also detailed in the 1949 contract were such things as the annual quantity of water that would be supplied, (32,000 AF), the costs in acre feet of municipal (\$35/AF) and irrigation (\$25/AF) water, the contractual commitment of water to each member unit (see Table 1), the procedure to determine available water in the case of water shortages, and the financial obligation of each member unit to pay certain fixed costs even if no water was received.

A new master contract, *United States Department of the Interior, Bureau of Reclamation, Cachuma Project, California, Contract Between the United States and Santa Barbara County Water Agency Providing for Water Service from the Project, 1995*, (Contract) between the USBR and the Agency became effective in 1995 (the contract in effect today) will expire in 2020. As in the initial contract, the 1995 renewal specified financial obligations and water entitlements (see Table 1). However, the 1995 Contract also has some important changes. Due to siltation over the years, the Lake’s storage capacity was reduced from 205,000 AF to 190,000 AF. To reflect the reduced storage capacity, the total amount of water available each year was reduced from 32,000 AF to 25,714 AF. Additional agreements in this contract, deal with operating issues such as the ability of member units to store water in the Lake, the accounting of lost water due to evaporation, and the allocation of entitlements.

Table 1. Initial 1949 Contract and Current (2016) Entitlements per 1995 Contract

Agency	Entitlement %	AFY ^a 1949	Entitlement % ^b (post 1995 merger)	AFY ^a 1995
Goleta Water District	36.25 %	11,600	36.25%	9,312
City of Santa Barbara	32.19 %	10,300	32.19%	8,277
Carpinteria Valley WD	10.94 %	3,500	10.94%	2,813
Santa Ynez RWCD ID#1	10.31 %	3,300	10.31%	2,652
Montecito Water District	9.06 %	2,900	10.31%	2,651
Summerland Water District	1.25 %	400	-----	-----
Total	100 %	32,000	100 %	25,714

⁴ *United States Department of the Interior, Bureau of Reclamation, Contract for the Furnishing of Water to Member Units of Santa Barbara County Water Agency, September 12, 1949*

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^a AFY = acre feet per year = 326,000 gallons

^b In 1995 the Summerland Water District merged with the Montecito Water District and all water entitlements and customers were transferred to Montecito Water District.

The 1995 Contract specifically spells out the protection of historical downstream water right holders. This acknowledges the obligation to “make certain releases of water into the Santa Ynez River for downstream interests”⁵. At the time of the Contract renewal, water releases to maintain fish habitat, required in 2000 by orders of the California State Water Resources Control Board (SWRCB), and the National Marine Fisheries Services (NMFS) did not exist.

Governance

Many layers of government ranging from local water agencies to the Federal Government regulate water usage and enforce regulations along the South Coast. Special water districts are governed by locally elected board members and cities have their locally elected city councils. Each member unit subcontracts with the Agency and sends a representative to sit on the board of the Cachuma Operations and Maintenance Board (COMB). Some of these same local representatives sit on the Cachuma Conservation Release Board (CCRB). The next layer of government involved in water regulations is the California State Water Resources Control Board (SWRCB). And sitting at the uppermost governmental layer is the Federal Government represented by the United States Bureau of Reclamation (USBR) and the National Marine Fisheries Service.

The Jury learned this is a complex web of governmental agencies, each serving their own purpose and not always in accord with each other. For example, water agencies provide potable water to their residents and agriculture while the NMFS’s priority is ensuring protection of fish in accordance with the Endangered Species Act. These two different priorities can often be in direct conflict.

Most recently, among the local water agencies, a controversy arose surrounding approval to move the barge at Lake Cachuma from its current location to another location about one mile away where a deeper pool of water exists and which would allow water to continue to be ultimately delivered to the South Coast communities. Without moving the barge, South Coast users would not have access to the remaining Lake water. This action required unanimous approval of all five member units and one agency was opposed to this idea because of fear that its water in Lake Cachuma would be “stolen” and used by other agencies. After many contentious discussions, all agencies ultimately agreed and voted to move the barge. This is just one example of the numerous issues over the years that have resulted in disagreement and conflict among member units dependent on water from Lake Cachuma.

Joint Powers Agencies

COMB

The special water districts of Goleta, Montecito, Carpinteria and Santa Ynez along with the City Council of Santa Barbara are responsible for securing sufficient and diverse water supplies for their constituents at the most affordable price. These five agencies formed COMB, a joint

⁵ *United States Department of the Interior, Bureau of Reclamation, Cachuma Project, California, Contract Between the United States and Santa Barbara County Water Agency Providing for Water Service from the Project, 1995.*

powers agency in 1957 as a government vehicle to operate, maintain and finance the Cachuma Project. For the year ending June 30, 2015⁶ COMB had total operating revenues of approximately \$6 million (M), \$5.5 M which came from the operating assessments from the member agencies, i.e., money collected from paid water bills.

CCRB

The CCRB is another joint powers agency formed in 1973 by the four member units south of the Lake: Carpinteria, Goleta and Montecito Water Districts and the City of Santa Barbara. According to information the Jury learned from interviews, CCRB acts as an advocacy group to defend the water rights of the Cachuma Project at the State and Federal level. The success or failure of this advocacy can affect the amount of water available for humans, downstream water rights, and fish habitat protection. CCRB also participates in fish studies and applies for grant funding for such. Its website⁷ states that it developed a Fish Management Plan Program in the Lower Santa Ynez River and was the primary implementing agency of the fisheries program.

Cost Estimates for Water Based on Source

The Jury conducted an informal survey to determine the costs local agencies pay for their various water supplies. Probably more important than the dollars spent per acre foot, the Jury learned that calculating how much money water actually costs is “complicated”. There are fixed and variable costs. Fixed costs include the cost for construction, maintenance and labor. These costs must be paid regardless of how much water is generated from the source, even if no water from the source is produced or received. For example, a member unit may decide not to draw groundwater from one of their wells, yet the pumps and other infrastructure at the well must be maintained. Fixed costs per acre foot decrease as the amount of water produced increases. The variable costs such as those for electrical power and chemicals are directly related to the amount of water produced.

A rough estimate of the average, minimum and maximum cost for water used on the South Coast is summarized in Table 2. These values are generated from numbers received from all water purveyors and are not reflective of any one agency. Table 2 is presented to show the magnitude of costs from one source to the next. Bottom line: water from Lake Cachuma is by far the least expensive, closely followed by groundwater with the most expensive being the supplemental water purchases from the State Water Project.

Along with contracted water from the State Water Project, also called “Table A State Water”, almost all agencies have purchased supplemental State Water on the open market. The cost for this water can be especially difficult to estimate because, as the Jury learned, this water in some cases is not purchased outright but is in fact “leased.” Contracts for this type of supplemental State Water include the requirement that the purchasing agency must return the water within ten years and pay for the transportation costs incurred. These conditions could result in a doubling of the cost and agencies cannot determine the true cost until the time the “leased” water is returned.

⁶ Cachuma Operations and Maintenance Board, Financial Statements, Bartlett, Pringle & Wolf, LLP, June 30, 2015 and 2014,

⁷ <http://www.ccrb-board.org>

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Table 2. Estimated Average and Range of Water Costs Based on Water Source

Water Source	Average per AF	Minimum per AF ^a	Maximum per AF ^a
Lake Cachuma	\$300	\$100	\$500
Groundwater	\$430	\$120	\$610
Table A State Water	\$5,000	\$2,100	\$8,000
Reclaimed / Recycled	\$360	\$160	\$440
Supplemental State Water ^b	\$1,800 ^b	\$750 ^b	\$3,400 ^b
Desalinated	\$1,400 ^c	Not Available	Not Available

^a Variations in minimum and maximum cost per AF are a function of the amount of water produced during the year and the constant value of the fixed costs.

^b Cost for supplemental State Water could easily be doubled once the costs to return this “leased” water are factored in.

^c Desalinated water is not yet in production. Cost is an estimate of operating costs only. No capital cost is included.

METHODOLOGY

The Jury conducted interviews with elected officials and staff involved with the Cachuma Project. In addition, the Jury studied pertinent contractual documents, water agencies’ websites, annual reports, board meeting minutes, and board meeting agendas.

OBSERVATIONS

Status of Lake Cachuma today

The water in Lake Cachuma today is over allocated. The Lake, once billed as the long term solution to the water problem on the South Coast and designed to withstand a six to seven-year drought, was virtually empty in 2015, only four years after the lake had spilled. As of March 2016, the Lake was at 14.9 percent capacity. Siltation in the Lake has resulted in continued loss of storage capacity. Demands on the water supply exist today that did not exist in 1995 when new water allotments were calculated. Just as importantly, the current drought is worse than the drought of 1947-52 called the “design drought”, which was used to determine the original water allotments. All of these factors have resulted in a decrease in the volume of water that is, in reality, available to South Coast water users. Yet, the amount of water withdrawn each year has not been adjusted to account for this decrease. With negotiations to discuss renewal of the 1995 Contract set to begin in 2017, now is the time for member units to realistically address long term Lake water supply reliability.

Siltation

Siltation occurs when particles are washed into the reservoir and settle on the bottom. Recent fires such as the Zaca Fire contributed greatly to siltation in all Santa Ynez river reservoirs. Cachuma, Jameson, and Gibraltar reservoirs have all lost storage capacity due to siltation. Past attempts to remove silt were suspended due to environmental concerns. Furthermore, the Jury was told that cost calculations show future attempts would be prohibitively expensive. The

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Lake's original design capacity was 205,000 AF, allowing 32,000 AF of water to be withdrawn every year (see Table 1). By 1995, siltation reduced the Lake's capacity to 190,000 AF and the sustained annual yield was reduced to 25,714 AFY. The most recent sediment survey⁸, done in 2013, determined that this trend in lost capacity is continuing and the Lake capacity was measured at 184,121 AF, an overall loss of over 11% of the original design capacity. New contract negotiations for annual water allotments need to take into account this loss of storage capacity and the additional losses that are predicted to occur due to continuing siltation.

Downstream Water Rights

From its inception, all parties and signatories to the Cachuma Project agreed "not to take, restrict, impair, or interfere with any or all of said presently established rights to water"⁹ from the Santa Ynez River. All participants agreed that the "Cachuma Project shall continue to be operated to provide for the protection of prior downstream rights holders and public trust resources in accordance with Project Water Rights."¹⁰ Project Water Rights are defined as permits and licenses issued for the Project pursuant to State law together with all orders of the State Water Resources Control Board (SWRCB). Cachuma Project water rights were issued by the SWRCB in 1973, 1988, 1989, and 1994.

The Jury learned that downstream users receive many recreational benefits from the mandated water releases from the Lake. However, more importantly, the City of Lompoc and its residents, located at the end of the Santa Ynez River, are solely dependent on groundwater for their potable water supply. The Santa Ynez River is the primary source of their groundwater recharge. By a vote of the people in 1991, Lompoc elected not to participate in the State Water Project, and therefore, receives no state water. New contract negotiations for annual water allotments to member units need to continue to account for the priority of water rights of Lompoc residents and other downstream users.

Endangered Species Act

In addition to water releases from the Lake for downstream water users, the Endangered Species Act and the 2000 Biological Opinion from NMFS require water be released from the Lake to protect the environment of the steelhead (rainbow) trout. Regardless of opinions about this endangered species' status, this release is a requirement of Federal Law. The NMFS 2000 Biological Opinion was enacted after the safe yields in the 1995 Contract were already determined. In 2015, 2,696 AF were released downstream to meet the Federal requirement. Table 3 shows the magnitude of the effect of this additional demand on the Lake's supplies. It is equivalent to the water allotted per year to each of the communities of Carpinteria, Santa Ynez and Montecito.

Table 3 Annual Entitlement^a / Demands, AFY, on Lake Cachuma, 2015

Entitlements	AFY
Goleta Water District	9,312
City of Santa Barbara	8,277

⁸ Results of 2013 Survey and Sedimentation Update on Lake Cachuma, February 17, 2014

⁹ *United States Department of the Interior, Bureau of Reclamation, Contract for the Furnishing of Water to Member Units of Santa Barbara County Water Agency, September 12, 1949*

¹⁰ Ibid

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Carpinteria Valley Water District	2,813
Santa Ynez RWCD ID #1	2,652
Montecito Water District	2,651
Required Reserve	
Dead Pool	12,000 AF
Actual Demands for 2015	
Downstream Water Rights	10,186 AFY
Fish Habitat Water Release, 2015	2,696 AFY
Evaporation ^b	7,105 AFY

^a Entitlements are not the actual allotments of water for each member unit. Other demands in the table are actual volumes for, 2015.

^b When the Lake is full the water lost to evaporation is estimated at 16,000 AFY. As the water level in the lake and the surface area go down so does the volume of water lost to evaporation.

Furthermore, in March 2012 the SWRCB held a public hearing and anticipated issuing a new water rights order by the end of 2012. This new order has not yet been issued; however, all expectations are that it will require an increase in downstream releases. New contract negotiations for annual water allotments to member units need to take into account the water no longer available to them due to required water releases under the 2000 and future NMFS biological opinions.

The “New Normal” Drought

The current drought (2011 to 2015 with 51 inches of rain) is worse than the design drought of 1947 to 1952 with 59 inches of rain. The long anticipated El Niño storms are not materializing this year, which means that the South Coast is entering a fifth year of drought. Some experts are predicting this may be the “new normal”. New contract negotiations for annual water allotments to member units must consider the “new” worst case scenario and take into account the possibility of more severe droughts, lasting for longer time periods.

Contract Period

The first contract between the Santa Barbara County Water Agency and the Bureau of Reclamation was in effect for 46 years. The contract was renewed in 1995 with an effective term of 25 years. New contract negotiations need to consider an effective term less than 25 years to address water demand changes that will allow for a timelier and nimbler management of this valuable resource. The Jury determined through its investigation that a periodic mandatory review and revision clause on the order of every five or six years must be included. Such clauses would require signatories to recalculate new safe yields periodically.

Operating Mode Modifications

The “contracting officer”, defined as the Secretary of the US Department of the Interior or a duly authorized representative, has the ultimate say in determining the maximum supply of water available each water year to the Cachuma Project member units, which may not be their full entitlement. Member units submit a request for delivery of a quantity of water along with a

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monthly delivery schedule prior to the beginning of each water year. The contracting officer then either approves the amount to be delivered and the delivery schedule or modifies the quantity if the request exceeds the quantity authorized by law. Section 9(a) of the master Contract states that “the contracting officer shall use the best efforts to operate the Project efficiently and in a manner that will allow there to be the maximum amount of Available Supply each Water Year.”¹¹

Table 4 summarizes the annual amount of water distributed to each member unit from the Lake over the past six years. It also shows the water remaining in storage as of September of each year. The Lake currently operates whereby each member unit begins the new water year with a clean slate and is entitled to their full annual allotment of water from the Lake along with any “carryover water” which is water not used during the previous water year. The carryover water explains why the water distributed in some years, shown as shaded areas in Table 4, is greater than the agency’s annual allotment. By 2013, two years after the Lake spilled, the water in the lake was reduced by about 50% to 91,922 AF. In hindsight, alarm bells should have been ringing at this point. Reductions in water distributions did not occur until 2014 when Lake Cachuma was at only 33% and member units took approximately 20% less than their entitled amount. ***For the first time in the history of the Cachuma Project, no new annual water allotments are scheduled for 2016.***

Table 4. Water Actually Distributed, AFY, from Lake Cachuma per COMB¹²

Water Year	Montecito Water District	Santa Ynez ID No. 1	Carpinteria Valley Water District	City of Santa Barbara	Goleta Water District	Total from Lake Cachuma ^a	AF Water in Storage, Sept	% Entitlement Approved or % of Allotment Taken
2010	3,124	73	3,033	7,457	11,980	25,667	152,855	-----
2011 ^b	2,752	80	2,655	9,422	11,351	26,260	180,986	-----
2012	3,610	80	3,447	9,613	11,991	28,741	142,970	-----
2013	3,905	75	3,888	11,232	10,737	29,837	91,922	-----
2014	1,171	34	2,610	8,720	6,634	19,169	61,107	80%
2015	473	25	889	3,472	4,529	9,388	32,989	45%
2016 ^c	797	6	300	1,712	1,446	4,261	28,714	0%

^a Total Allotment by contract = 25,714 AFY

^b Cachuma spilled March 2011

^c As of April 2016, all water is from the carryover account, 0% entitlement for 2016

Drawing down the Lake in the manner and as rapidly as was done over the last five years has resulted in an added expense of \$8.6 M over three years (fiscal years 13/14, 14/15, and 15/16) for the four members units south of the Lake. This additional cost is for the Emergency Pumping Facility Project. This project was needed because the water level in the Lake was below the lowest gate of the water intake tower. The \$8.6 M included the design, construction, project management, and operation of the barge and pipes needed to pump water from the remaining pools of water in the Lake over to the intake tower.

¹¹ United States Department of the Interior, Bureau of Reclamation, Cachuma Project, California, Contract Between the United States and Santa Barbara County Water Agency Providing for Water Service from the Project, 1995.

¹² Data was taken from COMB monthly reports, see COMB website, board minutes and agenda packets for each year, <http://www.cachuma-board.org/meetingdocs/2015-meeting-archives.htm>

The Jury learned that because of their geographical location, there are some areas of Goleta, Santa Barbara, and Montecito that are completely reliant on surface water for their water needs. If no water deliveries are made from surface water sources or groundwater wells, these areas would have to be served with alternative emergency water plans. The Jury was told that emergency plans are in place to serve customers in the case of a complete loss of surface water supplies. On a temporary basis water service would only be possible under extreme rationing and would only be available for health and safety use and no outdoor watering.

There is no contractual wording requiring a decrease in entitlements as the amount of water in the Lake decreases. The Jury was told repeatedly that this operational mode has contributed to the current angst and speed at which the water has been withdrawn from the Lake and that changes need to be made.

The Jury was informed of two water release alternatives that can be implemented to address what many see as a flaw in the efficient management of this valuable resource. One scenario calls for water withdrawals on a sliding scale, based on the time since the last Lake spill. Drawing the reservoir down as much as possible in “Year One” after a spill would provide more capacity to exist in the Lake so that the maximum amount of water could be captured the following year, assuming it is a rainy year. “Year Two” after a spill would begin mandatory reductions in withdrawals, assuming that year is the beginning of the next drought. Another alternative calls for mandatory reductions to member unit entitlements that would be triggered as the Lake capacity decreases.

The new contract for annual water allotments to member units must include changes to elements of the current operational mode, post spill year, which would maximize the amount of “Available Supply each Water Year”¹³ and minimize extra costs incurred by the community such as those needed to install the emergency pumping facility or to purchase additional expensive supplemental State Water.

Water Management Planning

The Jury learned that each member unit makes decisions based on their own needs and water management plans. Urban Water Management Plans (UWMPs)¹⁴ are required to be prepared every five years by urban water suppliers that provide over 3,000 AFY of water or serve over 3,000 customers. The UWMP supports long term resource planning, encourages the efficient use of available supplies, and ensures that adequate water supplies are available to meet existing and future water demands. In years of long term drought, having a plan to manage your water supply is even more important. Without such a plan, elected public officials lack the guidance to make responsible decisions based on a careful analysis of their agency’s water portfolio and could succumb to pressure from constituents to make decisions for political reasons.

Santa Ynez Water Conservation District ID No. 1 is the only member unit exempt from the UWMP requirement. Of the remaining four member units, only Montecito Water District does not have an updated UWMP. Montecito Water District (MWD) must update its UWMP with a

¹³ *United States Department of the Interior, Bureau of Reclamation, Cachuma Project, California, Contract Between the United States and Santa Barbara County Water Agency Providing for Water Service from the Project, 1995.*

¹⁴ California Department of Water Resources website, <http://www.water.ca.gov/urbanwatermanagement/>

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focus on developing supply and demand strategies they can rely on during prolonged drought periods.

Conservation Efforts

With dwindling surface water supplies, member units had two choices: (1) buy supplemental water on the open market or, (2) initiate conservation efforts to extend the limited amount of available water. In this instance, Santa Barbara County water agencies were initially united in their individual efforts to promote conservation among their water users. Table 5 is a timeline summarizing conservation efforts and subsequent reversals of such efforts. By March 2014, when Lake Cachuma was below 50% capacity, and it was apparent the area was in the third year of below average rainfall, four of the five member units, Santa Barbara, Carpinteria, Montecito, and Goleta had declared a drought emergency. By June 2014, Santa Ynez declared a Stage 1 drought and by September 2014 Santa Barbara and Goleta were at Stage 2 drought.

Table 5. Timeline of Conservation Efforts and Lack Thereof

Date	Conservation Action	Member Unit
Feb 2014	Stage 1 Ordinance 92 & 93	Santa Barbara and Carpinteria MWD
Mar 2014	Stage 1	Goleta Water District
May 2014	Stage 2	City of Santa Barbara
June 2014	Stage 1	Santa Ynez Water Conservation District ID No. 1
Sept 2014	Stage 2	Goleta Water District
Mar 2015	Ordinance 94	MWD – Increases water allotments
April 2015	Executive Order B-29-15	Governor of CA issues Executive order for mandatory reductions for urban water suppliers
May 2015	Stage 2 Stage 3	Carpinteria Valley Water District City of Santa Barbara and Goleta Water District
Sept 2015	Stage 2	Santa Ynez Water Conservation District ID No. 1

Each stage of declared drought can mean something different at each water agency. Most drought stages set limits on outside water use. Unique among agencies enacting water use restrictions is the Montecito Water District. Rather than limiting water uses and adding a drought surcharge to water bills, which would compensate for some of the reduced revenue from decreased water use, MWD (in Ordinance 93) gave an allotment of water to each customer based on property size, enacted penalties for overuse, and added a moratorium on water service connections. Of concern to the Jury is the action taken by MWD, and the confusing message it sent to its customers with the passage of Ordinance 94, in March 2015. Ordinance 94 was enacted in response to a successful search to buy supplemental state water on the open market. In this ordinance, the MWD Board of Directors approved an increase in water allotments to their customers. This occurred just one month before the Governor of California enacted an unprecedented executive order for statewide mandatory water use reductions.

Member units need to work together to send a clear message to their constituents, to reduce confusion and to emphasize the severity of the water shortages all residents are facing. Of benefit to the regional water community would be a consistent set of defined conservation

measures that would be written into the subcontracts between the Agency and all member units, and that member units would enact within their jurisdictional areas in response to specific drought triggers.

Regional Cooperation

The Jury learned that during the previous drought period of 1986-1990, member units voluntarily agreed to a 20% decrease in their allotments when the Lake's capacity reached 100,000 AF. A similar voluntary reduction was not agreed to by all members during the current drought. The Jury learned how such a decision is understandable. From the viewpoint of a water agency that has a diversified water portfolio, such as the Goleta Water District, it can opt to make decisions, based on financial reasons, to use up all of its allotment of inexpensive Lake water before dipping into its more expensive groundwater or State Project Water supplies, see Table 2. However, not all member units participating in the Cachuma Project are fortunate enough or have had the foresight to develop a diversified water portfolio. The member units that rely on surface water for up to 90% of their water supplies are more focused on keeping as much water in the Lake for as long as possible.

The City of Santa Barbara has started to rebuild its desalination plant as one way to diversify its water supply. Montecito Water District relies almost exclusively (95%) on surface water with groundwater making up the remaining 5%. The Jury learned that Santa Barbara and Montecito are involved in discussions to participate as partners in the rebuilding of the City's desalination plant. The Jury recommends that in light of regional cooperation, and obtaining a new reliable source of water for the South Coast, that these discussions continue.

Cooperation among member units took a turn for the worse in 2011 when CCRB was transferred to COMB, which then began implementing the Fish Management Plan. When this happened, Santa Ynez ID No.1 lost some of their power in how the Fish Management Plan was implemented and has continuously objected to paying for their share of work they believe is outside the scope of the original fisheries Memorandum of Understanding and Biological Opinion. This conflict is beyond the scope of this report, but should be resolved within the existing organizational structure.

At the same time, Carpinteria Valley Water District dropped out of CCRB for financial reasons. CCRB's activities are funded by its members, which in turn are funded by their water rate payers. Carpinteria stopped paying their share of CCRB's operating costs while still retaining the benefits reaped from the advocacy activities of this group. This action has placed a greater financial burden on the other member units and their rate payers.

Community Development Plans

Control of growth within an area is, in part, the responsibility of planning and development departments. However, when a development is approved at the planning level, the developer is required to receive notification from the governing water agency in that area confirming that water is available to service the needs of the development. Each water agency does this in a slightly different way, whether through "Can and Will Serve" letters, "Intent to Serve" letters, or a similar document. The Jury learned that water agencies are loathe to be the limiting factor for development. However, they are the responsible agency when it comes to determining whether

they have adequate water supplies to support the needs of their service areas.

Until recently, developments continued to receive approval for water service. The Jury noted that most of these approvals have no expiration date. Documents issued by all member units that approve new water service must include language that limits the permit life.

Developments that replace existing structures are approved with the understanding that water for the development is limited to the same amount as is being used under the existing structure. The Jury was told that in some cases, if low flow plumbing fixtures are installed and/or if landscaping is drought tolerant or restricted, water demand at the new development could be less than the existing demand.

New construction is minimal in a city such as Santa Barbara that has little room for growth. However, in a newer city such as Goleta, new construction is taking place throughout the community. Citizens of Goleta continue to express their dismay within formal public arenas (such as newspapers, board meetings, and online chat websites) and less formally in casual conversations all over town, at the amount of development that is going on during the worst drought in history. The Jury learned that the Goleta Water District issues its “Can and Will Serve” letters on water resources they predict will be available during a normal weather year. No consideration is given to the possibility of having to supply water to an ever growing community when water shortages occur over many years. The result of this type of approval is that Goleta Water District residents are asked to pay more for water, perhaps at the expense of their quality of life.

Future commitments for water service for all water agencies must be based on the water available under the worst case water supply scenario, not under what would be a “normal” year, as there does appear to be a “new normal” emerging.

CONCLUSION

The 2015-16 Santa Barbara County Grand Jury, made up of 19 citizens from throughout the County with a variety of backgrounds and a genuine interest in the operations of government within the County of Santa Barbara, found it difficult to unravel the complex web of water agencies, water contracts, water regulations, water purchases, water sales, water portfolios, and water management plans that are designed to supply a safe and secure water source to all people living on the South Coast. This report attempts to unravel portions of this web and to address those issues deemed most pressing and most able to be improved with a focus on the importance of Lake Cachuma.

As the residents of the South Coast of Santa Barbara County come to terms with an ever limited supply of water for an ever growing community, the value of every drop of water has come to be appreciated. The Jury recommends that local water agencies work cooperatively to craft a new master contract with periodic mandatory review and revision clauses between the United States Bureau of Reclamation and the Santa Barbara County Water Agency for the operations of Lake Cachuma and include: the lost water storage capacity due to siltation, the increased demand for

downstream habitat preservation, and the reality of more frequent multiyear droughts. The Jury also recommends that each member unit of the Cachuma Project improve their individual water portfolio and reassess their process of approving new water service in light of more limited water supply.

For close to two centuries, providing a reliable and sufficient water supply to the residents and agriculture of Santa Barbara County has been a challenge. This challenge has been met year after year by sometimes contentious meetings as public officials try to come to terms with the stress of making sure their constituents have a safe and sufficient supply of water at a reasonable cost. Meeting this challenge in the future with the possibility of increasing multi-year droughts, will be ever more difficult.

With the predicted population increase, the demands on this limited resource will also increase. Approximately 250,000 people, many without knowing it, are reliant on their local elected water officials and staff to work together to ensure that wherever they live in Santa Barbara County and regardless of their income, they will have enough water for their basic human needs.

FINDINGS AND RECOMMENDATIONS

Finding 1

Siltation is continuing to decrease the storage capacity and the safe yield of Lake Cachuma as defined in *United States Department of the Interior, Bureau of Reclamation, Cachuma Project, California, Contract Between the United States and Santa Barbara County Water Agency Providing for Water Service from the Project, 1995*.

Recommendation 1

That the safe yield from Lake Cachuma as defined in *United States Department of the Interior, Bureau of Reclamation, Cachuma Project, California, Contract Between the United States and Santa Barbara County Water Agency Providing for Water Service from the Project, 1995*, be recalculated and used in the new master contract between the United States Bureau of Reclamation and the Santa Barbara County Water Agency taking into account lost storage capacity due to siltation.

Finding 2

Downstream water rights are protected in the *United States Department of the Interior, Bureau of Reclamation, Cachuma Project, California, Contract Between the United States and Santa Barbara County Water Agency Providing for Water Service from the Project, 1995* and must be considered when calculating the safe yield.

Recommendation 2

That the new master contract between the United States Bureau of Reclamation and the Santa Barbara County Water Agency must continue to emphasize the importance of downstream water rights and be used in the calculations of the safe yield.

Finding 3

The *United States Department of the Interior, Bureau of Reclamation, Cachuma Project, California, Contract Between the United States and Santa Barbara County Water Agency Providing for Water Service from the Project, 1995* was written prior to the 2000 National Marine Fisheries Service Biological Opinion and does not include the requirement to release water under the auspices of the Endangered Species Act.

Recommendation 3a

That the new master contract between the United States Bureau of Reclamation and the Santa Barbara County Water Agency include the required water releases for the protection of fish habitat under the 2000 National Marine Fisheries Service Biological Opinion.

Recommendation 3b

That the new master contract between the United States Bureau of Reclamation and the Santa Barbara County Water Agency add language to include the amount of water that will be required to be released by the new Biological Opinion from the National Marine Fisheries Services when it is released.

Finding 4

The 2011-2016 drought is far worse than the “design drought” of 1947-1952 used in the *United States Department of the Interior, Bureau of Reclamation, Cachuma Project, California, Contract Between the United States and Santa Barbara County Water Agency Providing for Water Service from the Project, 1995* for Lake Cachuma.

Recommendation 4

That the new master contract between the United States Bureau of Reclamation and the Santa Barbara County Water Agency calculate new water entitlements for member units using the current 2011-2016 worst case drought as its “design drought”.

Finding 5

The *United States Department of the Interior, Bureau of Reclamation, Cachuma Project, California, Contract Between the United States and Santa Barbara County Water Agency Providing for Water Service from the Project, 1995* extending from 1995 to 2020 (25 years) is too long a period and includes no review and revision clauses to recalculate the “safe yield” of the Cachuma Project.

Recommendation 5a

That the term of the new contract between the United States Bureau of Reclamation and the Santa Barbara County Water Agency be less than 25 years in length.

Recommendation 5b

That the new contract between the United States Bureau of Reclamation and the Santa Barbara County Water Agency include periodic mandatory review and revision clauses on the order of every five or six years to recalculate the “safe yield” of Lake Cachuma and to make any other necessary contract changes.

Finding 6

Safe yield from Lake Cachuma in the current *United States Department of the Interior, Bureau of Reclamation, Cachuma Project, California, Contract Between the United States and Santa Barbara County Water Agency Providing for Water Service from the Project, 1995* is based on a static volume per year.

Recommendation 6

That the new master contract between the United States Bureau of Reclamation and the Santa Barbara County Water Agency include a new safe yield in Year One after Lake Cachuma spills, and, in subsequent years, use either a sliding scale or specify mandatory reductions.

Finding 7

The Montecito Water District does not have an updated Urban Water Management Plan.

Recommendation 7

That the Montecito Water District update its Urban Water Management Plan.

Finding 8

Conservation policies and drought declarations differ from one member unit to another, possibly confusing water users.

Recommendation 8a

That the member units, in conjunction with the Santa Barbara County Water Agency, create consistent policies and procedures that govern conservation efforts especially during times of a severe drought and that these are documented in the subcontracts between the Santa Barbara County Water Agency and the member units.

Recommendation 8b

That the policies and procedures in Recommendation 8a be announced to the community by all member units at the same time.

Finding 9

The City of Santa Barbara has started to rebuild its desalination facility and has been in intermittent discussions with the Montecito Water District on sharing use of the facility.

Recommendation 9

That the City of Santa Barbara and the Montecito Water District continue discussions on options that could optimize the desalination facility as a regional one.

Finding 10

The Carpinteria Valley Water District no longer participates in the Cachuma Conservation Release Board yet continues to reap the benefits of negotiations paid for by the remaining agencies.

Recommendation 10

LAKE CACHUMA - PROTECTING A VALUABLE RESOURCE

That the Carpinteria Valley Water District, as a benefiting party, rejoin and participate in the Cachuma Conservation Release Board.

Finding 11

Member units approve new water service by issuing, can and will serve letters, intent to serve letters, water service availability documents, or other documents, without expiration dates to citizens and developers.

Recommendation 11

That all member units include expiration dates for their water service approval documents.

Finding 12

Member units utilize can and will serve letters, intent to serve letters, water service availability documents, or other documents to grant new water service that are approved based on water availability during a “normal” year’s water supply.

Recommendation 12

That member units change their policies to begin approving new water service on the water available during a “worst case” drought year.

REQUEST FOR RESPONSE

Pursuant to *California Penal Code Sections 933 and 933.05*, the Santa Barbara County Grand Jury requests each entity or individual named below to respond to the enumerated findings and recommendations within the specified statutory time limit:

Santa Barbara County Board of Supervisors – 90 days

Findings 1, 2, 3, 4, 5, 6, 8

Recommendations 1, 2, 3, 4, 5a, 5b, 6, 8a, 8b

Carpinteria Valley Water District Board of Directors – 90 days

Findings 1, 2, 3, 4, 5, 6, 8, 10, 11, and 12

Recommendations 1, 2, 3, 4, 5a, 5b, 6, 8a, 8b, 10, 11, and 12

City of Santa Barbara City Council – 90 days

Findings 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, and 12

Recommendations 1, 2, 3, 4, 5a, 5b, 6, 8a, 8b, 9, 10, 11, and 12

Goleta Water District Board of Directors – 90 days

Findings 1, 2, 3, 4, 5, 6, 8, 10, 11, and 12

Recommendations 1, 2, 3, 4, 5a, 5b, 6, 8a, 8b, 10, 11, and 12

Montecito Water District Board of Directors – 90 days

Findings 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12

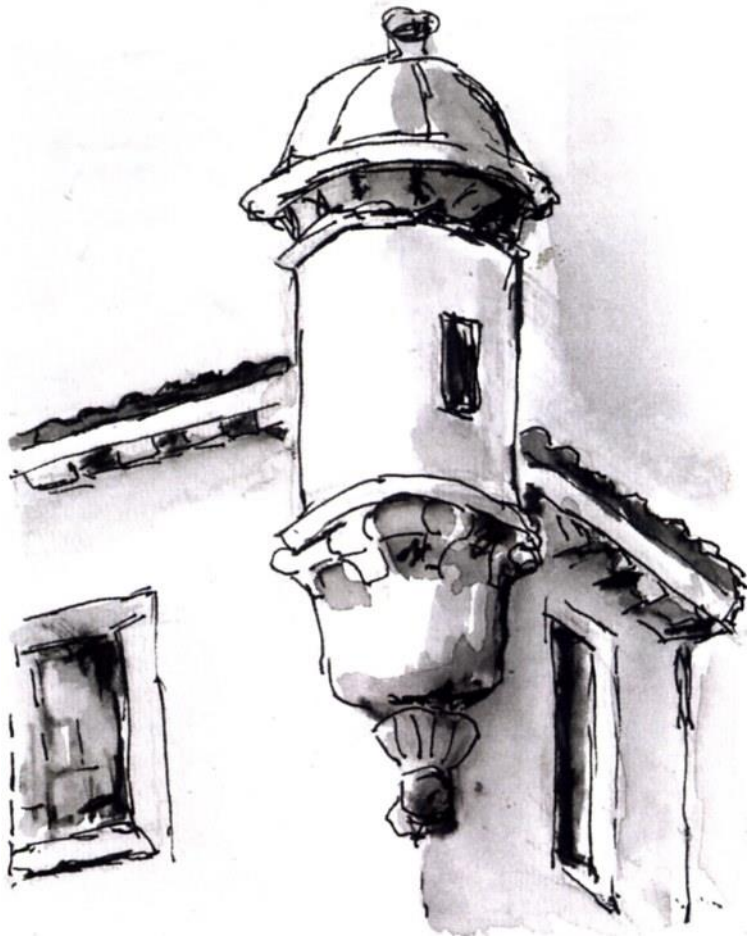
Recommendations 1, 2, 3, 4, 5a, 5b, 6, 7, 8a, 8b, 9, 10, 11, and 12

**Santa Ynez River Water Conservation District ID No. 1 Board of Directors –
90 days**

Findings 1, 2, 3, 4, 5, 6, 8, 11, and 12

Recommendations 1, 2, 3, 4, 5a, 5b, 6, 8a, 8b, 11, and 12

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DETENTION FACILITIES REPORT

DETENTION FACILITIES REPORT

INTRODUCTION

Under California Penal Code Section 919(b), county grand juries "...shall inquire into the condition and management of the public prisons within the county." This report contains results of inspections of the jails, detention facilities, and the coroner's facility by the 2015-2016 Santa Barbara County Grand Jury (Jury). These facilities include the following categories:

Santa Barbara County Sheriff's Office:

- Coroner's Office
- Santa Barbara County Main Jail

Santa Barbara County Sheriff's Substations:

- Santa Maria Sheriff's Substation
- Isla Vista Foot Patrol Substation
- New Cuyama Substation
- Solvang Substation
- Lompoc Substation

Court Holding Facilities:

- Santa Barbara Court Holding Facility, Figueroa Street
- Santa Maria Court Holding Facility, Cook Street
- Lompoc Court Holding Facility, Cypress Avenue

Santa Barbara County Probation Department:

- La Posada Juvenile Hall, Santa Barbara
- Los Prietos Boys Camp
- Susan J. Gionfriddo Juvenile Center, Santa Maria

Municipal Jails:

- City of Lompoc Jail
- City of Santa Barbara Jail
- City of Santa Maria Jail
- City of Guadalupe "Secure Bench"

METHODOLOGY

In 2015-2016, members of the Jury visited each of the facilities listed in this report. Deputies, police officials, and on-site staff were interviewed and each facility was inspected. The Jury reviewed previous detention facility reports prior to the inspections in order to confirm that issues raised by previous Juries were addressed.

OBSERVATIONS

General Observations

Staffing

The hiring process for all law enforcement agencies is lengthy due to the stringent qualifications for the positions. Recruitment has become more challenging. There are fewer applicants now than in the past. It was reported to the Jury that, out of approximately one hundred applicants who apply for vacant positions, 75 may qualify and of those 75 who pass the initial screening, 80 percent may be eliminated due to failed background checks or medical issues.

The staff interviewed at all facilities were professional, courteous, and knowledgeable. The Jury recognizes the challenges that the decreased staffing has created and commends the staff for the professional manner in which they handle their law enforcement duties. Finally, the jury learned the main jail has a need for more correctional staff, especially female custody officers.

Monitoring

All facilities appear to make good use of video monitoring equipment, however, not all areas of the facilities have monitoring equipment installed.

Santa Barbara County Sheriff's Office

Coroner's Office

In 1987 the County of Santa Barbara's (County) Board of Supervisors (BOS) identified an "emergency need" to build a Coroner's Office. The facility was built with County inmate labor. It has been in continuous operation since 1988.

The forensic pathologist who had been commuting to Santa Barbara from Chicago weekly, or as needed, has been hired to work here full time. He is medically licensed in New York, Illinois, and California.

The Jury was informed that autopsies are performed on victims of homicide, infants, and adults (under 55 years of age), with no known medical history and as requested. Approximately 120 autopsies are performed each year.

The 2014-15 Grand Jury wrote a report identifying several issues with the existing Coroner's Office facility. A few of the minor findings and recommendations from that Jury's report were addressed. For example, the opening that previously existed between the office and lab has been walled off. TB testing is now in place and the staff is immunized against common pathogens. There is a backup generator that is adequate to keep refrigeration functioning during a power failure.

However, the Coroner's Office facility remains inadequate in many respects. Most importantly, the ventilation in the autopsy room continues to be deficient and the system has not yet been updated. The Jury learned that the stench can be so bad that employees have had to stand in the parking lot in order to continue working. The BOS has authorized funds to replace the ventilation system, but it is not clear at this time if it will be enough to properly retrofit the current building. Some progress has been made to assess the adequacy of the electrical system

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for the proposed air handling system. Additionally, there is no transition room for staff to remove protective clothing and clean up. At this time, the staff does this outside the building in the open.

These minor corrective actions already taken and those in the planning stages are not adequate long term solutions to the poor condition of the Coroner's Office. The Jury was told that planning for a new Coroner's Office facility has been raised to the top of the County's capital improvement project request list.

Santa Barbara County Main Jail

The Main Jail (Jail) houses pretrial detainees as well as sentenced inmates. Pretrial detainees are arrestees awaiting to post bail, appear in court for arraignment, or stand trial. During the Jury's inspection of the Jail the Jury learned that up to 75% of the inmates in jail at any time are in this classification. It is a facility with male and female offenders housed separately. While the Jail population fluctuates, the final report by CGL Companies dated October 22, 2015 states that the Jail had a rated capacity of 847 with an average daily population of 834¹. The Jail receives prisoners from all areas of Santa Barbara County.

The oldest section of the jail is dated and overcrowded. It has insufficient video monitoring as only the main corridors are monitored. Some inmates are sleeping in plastic structures that are on the floor and are commonly called "boats" (see Figure 1). The Jury noted the presence of bedding on the floor in the hallway of one of the newer sections.



Figure 1. A Typical "Boat"

The Medium Security section was crowded and hot as there is no air conditioning in this section.

Other items the Jury noted include:

- No drug screening, even though they have admitted drug use in the facility
- Fire inspections are done annually
- Religious services are provided by volunteer religious leaders

The staff was professional and the jail seemed to be well run.

Kitchen

The newly remodeled kitchen is well designed. It is clean, has new equipment, with ample room to work, and substantial refrigeration and dry storage space. The Sheriff's Office contracts with a private company, Aramark, for food services. The Jury learned that this service works well, with excellent staff and inmate workers.

¹ Jail Staffing and Cost Analysis Santa Barbara County Final Report, CGL Companies, October 22, 2015

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Medical Services

Services for inmates are contracted through Corizon Health and provided by: “one full time administrator; one full time Director of Nursing; one on call physician; one subcontracted backup physician; seven full time Registered Nurses; two part time Registered Nurses; three full time Licensed Vocational Nurses; one part time Licensed Vocational Nurse; one full time Administrative Assistant; and three full time Medical Records Clerks. Complete dental facilities are provided for a dentist who is scheduled at the Jail once a week².” The medical facility has at least one nurse on duty 24 hours a day, seven days a week. A doctor is at the facility three half days a week and on call 24 hours a day for the rest of the week. All inmates are expected to be medically screened on intake. There is no medical dorm, but because the South Dorm is located close to the medical clinic and has wider doors, it is used to house inmates with medical needs and those with limited mobility. This area was in disarray when the Jury visited. Inmates were just standing around with bedding on the floor and the room was generally unkempt. Some inmates were sleeping on the floor with “boats” for beds. The Sheriff’s custodial staff interviewed was satisfied with the job that Corizon Health is doing, stating that “they are as good as any of the other medical service vendors.”

Other

As in past years, the Jury was notified of and observed overcrowded conditions in the Jail. The new Northern Branch Jail, currently scheduled to be open in 2018, will ease overcrowding. Once the new facility is operational, sections of the existing Jail may be shut down. There is a need for a rehabilitation program for long-term inmates due to AB 109 realignment. The only real job training that they can get in the facility is in the kitchen.

Santa Barbara County Sheriff’s Substations:

Santa Maria Sheriff’s Substation

The Santa Maria Sheriff’s Substation is an older facility built in the 1950’s. It is slated for retirement when the Northern Branch Jail is built. The building shows signs of wear (chipped paint, dated equipment). However, it was serviceable, clean, and well maintained for the age of the structure. It was designed to house up to 40 inmates, but is currently only used to house up to ten arrestees (for a maximum of 12 hours) awaiting transfer to the Jail. Since it was downgraded to a holding facility, last year’s Jury recommendations are no longer applicable. The day of the Jury’s visit there was one arrestee with a second being processed. Both were scheduled for transfer to Santa Barbara that day. Two to three custody officers are normally on duty to handle and process the arrestees.

Medical Services

Along with visual observation, a medical questionnaire is completed during intake. Arrestees with a medical condition such as diabetes are not held in this facility but are immediately transferred to the Jail. Any arrestee needing urgent medical care is taken to Marian Regional Medical Center. If this occurs, medical clearance is obtained prior to transfer to the Jail. Custody officers also look at available previous booking histories for medical problems.

² <http://www.sbsheriff.org/mainjail.html>

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Kitchen

A fully equipped kitchen is available, but is unused due to reduced numbers of inmates. Inspection records indicated that the kitchen had not been used since April 2015. Bag meals consisting of two sandwiches, fruit, and milk were available and provided daily by the Jail. During the Jury visit, labeling on packages indicated that they had been prepared that morning.

Other

It was observed that a medication drop box was overflowing outside the main door to the jail. This was brought to the attention of the jail staff. A follow up that day by a Jury member indicated that the drop box was still full. The Jury member followed up again the next morning, and the drop box had been emptied. The Jury is pleased that since its visit, new medication drop boxes (see Figure 2) have been installed at all County locations.



Figure 2 New Medical Dropbox

Isla Vista Foot Patrol Substation

The Isla Vista (IV) Foot Patrol facility has two holding cells that are seldom used because detainees are transported to the Santa Barbara County Jail. The facility is relatively new, well-kept, and located strategically near the border with the University of California at Santa Barbara (UCSB). There are 21 Sheriff's Deputies and office staff members assigned to the station, including two deputies on bike patrol. California Highway Patrol Officers and UCSB Campus Police collaborate on a daily basis.

A new email system has been established by the IV staff called Property Email Notification (PEN) to notify property owners in advance of large gatherings in IV. This allows property owners time to place temporary protective fencing around their property to protect against vandalism.

Isla Vista Halloween activities in 2015 were kept under control. Local, regional and state law enforcement were activated as in past years to deal with potentially large groups. UCSB sponsored several concerts on campus that presented alternative activities for the students. The City of Goleta and IV Foot Patrol enforced restricted parking, which provided an additional deterrent for out of town visitors. Members of the Jury who observed the Halloween activities found law enforcement personnel to be professional and patient in doing a difficult job.

New Cuyama Substation

There are two Sheriff's Deputies assigned to the facility. Both were raised in New Cuyama and are active members of the community. Hence, they have a higher awareness of community problems and can quickly address them. It was reported to the Jury that although they have the same problems as the rest of the county proportionally speaking, they make fewer arrests. This is attributed to their involvement with the community. Law enforcement in New Cuyama could be used as a model of true "community policing."

The substation is an adequate facility for its use. It is a rustic looking facility, reminiscent of an old west sheriff's office with the brands of the local ranches burned into the weathered wood paneling. The single holding cell is in good condition. (see Figure 3) No discrepancies were noted. The last time the holding cell was used was in 2011 and that was for less than one hour.

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The officers usually transport arrestees directly to the Santa Maria Sheriff's Substation.

Solvang Substation

The Solvang Sheriff's Substation consists of a single holding cell. The facility was clean with no discrepancies noted. The facility is adequately staffed. The staff is satisfied with the facility and stated that it fulfills its purpose. The interview room doubles as a holding cell when there are females or juveniles that need to be separated from other arrestees.



Figure 3 New Cuyama Sheriff's Substation

Lompoc Substation

The Lompoc Sheriff's Substation is located on Harris Grade Road just outside the city limits of Lompoc. Built in 2008, it is a fairly new facility. There are two interview rooms that are used as holding cells. They are secure, but since they are interview rooms, they have no toilet or washbasin. The arrestee has to be escorted to the restroom across the hallway from the interview rooms. It was reported to the Jury that the maximum hold time for an arrestee is six hours.

Court Holding Facilities

Lompoc Court Holding Facility, Cypress Street

The holding facility consists of five cells. Three of the cells are used to separate inmates who cannot be housed with others due to gender, medical or other reasons. There is video monitoring of all the cells, but no recording capability. Other than this one issue, no other deficiencies were noted.

Santa Barbara Court Holding Facility, Figueroa Street

The holding facility is used to hold inmates while they wait for arraignment or trial. It is located in the basement of the Figueroa Street Courthouse. The inmates are brought from the transport vehicle through a secure area. The deputies constantly have to shuffle the inmates due to lack of space. Inmates in restraints have to be walked across Figueroa Street to the courtroom, posing a security and safety risk to the public. The facility is old and in need of updating. It is an inadequate facility.

Santa Maria Court Services Holding Facility, Cook Street

The Santa Maria court holding facility is an old but serviceable facility that serves the courthouse in downtown Santa Maria. The facility is only open on court days and can accommodate up to 110 inmates. No deficiencies were noted during the grand jury visit.

Santa Barbara County Probation Department:

La Posada Juvenile Hall, Santa Barbara

La Posada is currently used as a temporary holding facility in Santa Barbara for the South County juvenile offenders held at the Santa Maria Juvenile Justice Center while they wait to attend court. There is a small courtroom used several times a week for the juveniles. This facility was previously the juvenile facility for the entire county.

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The facility has 60 cells which can accommodate up to six juveniles each, if needed. This facility has also been used when the Los Prietos Boys Camp was evacuated due to fires. There is a large modern kitchen, which can prepare a large number of meals three times a day.

Susan J. Gionfriddo Juvenile Justice Center, Santa Maria

This is a maximum security facility for youthful offenders, both male and female, ranging from 12 to 18 years of age. The facility has six units with a total capacity of 140. At the time of the Jury's visit, there were 54 minors in custody with an average age of 16 years. Medical services are available seven days per week and are contracted with Corizon Health. The facility has an extensive video surveillance system that is monitored centrally by a Sheriff's Deputy who also controls the movement at each doorway.

The Juvenile Justice Center is sufficiently staffed. All areas were clean and well maintained. The older section is used for special group programs for females. No discrepancies were noted.

Los Prietos Boys Camp

Los Prietos Boys Camp was established in 1944. It is located on seventeen acres in the Los Padres National Forest. It is a correctional/treatment program for males between the ages of 13 and 18. The facility is clean, in good condition, and well organized. The camp is well-staffed and well run. It currently has 47 staff members who supervise approximately 50 boys. It was reported to the Jury that the camp has the capability of housing approximately twice that number of youth and is underutilized. The youth are remanded by the court for either a 120-day or a 180-day program. However, they can be there for up to a year depending on their behavior.

The camp is run in a military style with a rigid schedule. This provides structure in the lives of boys who may not have had such structure before. The Santa Barbara County Education Office operates Los Robles High School onsite. The school provides remedial education and helps the youth to continue their high school education while at the camp. High school graduates are offered online college course work. In addition, there is work experience and vocational training in the areas of culinary arts, forestry, wood cutting and splitting for resale, and print shop operations. Scholarships offered by local service organizations are available for camp youth to continue their education.

The camp has many counseling programs and services to help the boys prepare to reenter society. Medical and mental health services are contracted through Corizon Health. It was reported to the Jury that almost all of the boys at the camp are there for drug related offenses. Los Prietos Boys Camp is a model for what can be done to help troubled youth in contrast to incarceration only.

Municipal Jails

City of Lompoc Jail

This facility was opened in 1959, has seven cells and is rated for 23 beds. Three cells are designated for females, one of which is a sobering cell. Four cells are designated for males, one of which is a sobering cell. There is also a booking area, a small kitchen, and a sally port, which is a secure, controlled entryway for the intake and transfer of prisoners. Meals are commercial, retail, prepackaged, and frozen (TV dinners). The Jury was told a new software system is

DETENTION FACILITIES REPORT

scheduled to be installed that would update their booking process. There is a motion sensing video monitoring system for the hallways that only comes on and records when it senses movement.

On December 3, 2015, the staff of the California Board of State and Community Corrections conducted its 2014-2016 biennial inspection of the Lompoc City Jail. It was found to be compliant with fire inspection, health inspection, and physical plant inspection. The inspection found the facility to be compliant in all areas in regard to policies, procedures, and practices. It was noted that “The Jail was clean and well-kept.”³

Lompoc Police Department

The Lompoc Police Department building was built in 1987 around the preexisting jail. The building has exceeded its planned operational capacity. Several closets have been converted to offices. Dispatch has two workstations that are so close to each other that conversations can be heard over both telephone lines when operators are communicating with officers and callers. The furniture and equipment in dispatch needs to be replaced. There is not enough storage space in the evidence room. Several home-style refrigerator/freezers are being used and are full. The evidence room needs commercial sized refrigerated storage.

The Lompoc Police Department has difficulty recruiting new officers because they cannot offer the wages and benefits competitive with departments in other areas of the county and state. The department is using interns to convert all their hardcopy records to digital.

All of these issues need to be promptly addressed by the Lompoc City Council who should begin planning to update and or replace this structure.

City of Santa Barbara Jail

The Santa Barbara Police Department has two holding cells, which are clean, but dated. There is acoustical foam on the ceiling to limit the noise. There is video surveillance of the cells. The cells are used to detain arrestees until they can be transported to the Jail. There are several interview rooms, which are small, but serve their purpose. Arrestees with medical issues are taken to Cottage Hospital for evaluation and treatment prior to final processing. No discrepancies were noted.

City of Santa Maria Jail

The Santa Maria Police Department that serves a population of over 102,000 people is located in a new, state of the art facility converted from a former aerospace building. The City Council of Santa Maria and the police chief have shown fiscal responsibility in the funding and use of the facility. The department receives additional funding by leasing server space and communication bandwidth to other public service entities. The facility is not completed. It is operational; but cameras, a shooting range, and a few minor projects are still in progress. The facility represents a huge improvement over the old facility, which was built in 1953 for a community of less than 15,000 people.

³ Board of State and Community Corrections, 2014-2016 Biennial Inspection, Lompoc Police Department, January 7, 2016

DETENTION FACILITIES REPORT

The holding facility is used for booking and short-term holds until the arrestee can be transferred. The two cells, designed to hold up to eight arrestees, were unoccupied at the time of the Jury's visit. The medical intake procedure consists of a verbal questionnaire form as well as observations by the processing officer. The detainees with medical issues are referred to Marian Regional Medical Center. No food is served at the facility since arrestees are only there for a few hours.

City of Guadalupe "Secure Bench"

The City of Guadalupe does not have a holding cell but has a secured bench, (see Figure 4) that is used to restrain arrestees while they are being booked. The arrestees are processed and transported directly to the Santa Maria Sheriff's Substation or the Jail. If an arrestee is violent or uncooperative, they are kept in a patrol vehicle until transported. The area that includes the bench has video surveillance.

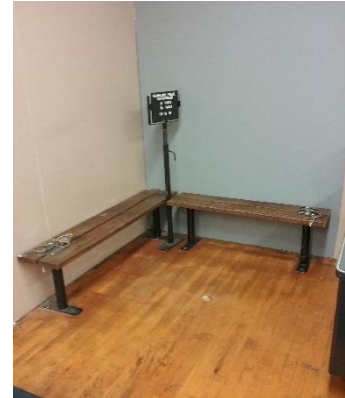


Figure 4 The "Secure Bench"

The only issue noted was the transport time, which can take a police officer out of the city for extended periods. It was reported to the Jury that on the day before its visit, the turnaround time to take an arrestee to the Jail took nine hours due to the travel distance and the time it took to obtain medical clearances. When the Northern Branch Jail is built, it will alleviate the extended turnaround time problem

CONCLUSIONS

The 2015-2016 Santa Barbara County Grand Jury wishes to express its appreciation to the law enforcement officers and support personnel that aided the Jury in the inspections of the detention facilities within Santa Barbara County. The Grand Jury inspected detention facilities throughout Santa Barbara County and was impressed with the new City of Santa Maria Police Station. However, the Grand Jury found that some of the issues identified in past years continue to be unresolved, such as overcrowding at the Santa Barbara County Main Jail, and the dismal and unhealthy condition of the Coroner's Office facility. In addition, there were several new areas identified by this year's Jury that need improvement, such as the police department facility in Lompoc and the Lompoc Court holding facility.

FINDINGS AND RECOMMENDATIONS

Finding 1

The drug drop box at the Santa Maria Sheriff's Substation was not properly maintained.

Recommendation 1

That the Santa Barbara County Sheriff's staff regularly monitor and maintain the new drug drop off boxes throughout the County.

DETENTION FACILITIES REPORT

Finding 2

The Coroner's Office urgently needs a new facility.

Recommendation 2

That the Santa Barbara County Board of Supervisors immediately allocate funding for a new facility.

Finding 3

The Lompoc Court Holding Facility does not have recording capability on its video surveillance system.

Recommendation 3

That the Santa Barbara County Sheriff obtain and install video recording equipment in the Lompoc Court Holding Facility.

Finding 4

The Lompoc Police Department refrigerated storage for evidence is inadequate.

Recommendation 4

That the Lompoc City Council provide funding for the Police Department to purchase commercial grade refrigeration and freezer units that will meet the current and future needs for evidence storage.

Finding 5

The City of Lompoc's Police Department building is inadequate for its operational needs.

Recommendation 5

That the Lompoc City Council update or replace the Police Department building.

REQUEST FOR RESPONSE

Pursuant to *California Penal Code Section 933 and 933.05*, the Jury requests each entity or individual named below to respond to the enumerated findings and recommendations within the specified statutory time limit:

Santa Barbara County Board of Supervisors – 90 days

Finding 2

Recommendation 2

Santa Barbara County Sheriff – 60 days

Findings 1 and 3

Recommendations 1 and 3

DETENTION FACILITIES REPORT

City of Lompoc City Council – 90 days

Findings 4 and 5

Recommendations 4 and 5

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LOS PRIETOS BOYS CAMP

LOS PRIETOS BOYS CAMP

EFFECTIVE, BUT UNDERUTILIZED

SUMMARY

The following report is issued by the 2015 – 2016 Santa Barbara County Grand Jury regarding the operation of the Los Prietos Boys Camp (LPBC). The Jury found that the facility is well-run and constitutes a major community asset. The Jury also found that the facility is currently operating well below its maximum capacity and recommends that more youth could be served for minimal additional cost. Presently, the LPBC is not open to female juveniles. As the number of female juveniles in incarceration has increased in recent months, the LPBC could be expanded to include them in this program. The Jury found that there is a mentoring program in place for youthful offenders who live in the South County. A similar program should be made available to those who live in the North County.

INTRODUCTION

In January 2016, several members of the Santa Barbara County Grand Jury (Jury) made a scheduled visit to the Los Prietos Boys Camp (LPBC) as part of its annual charge under the *California Penal Code, Section 919 (b)*, to “inquire into the condition and management of the public prisons within the county.” Throughout the visit, jurors were accompanied by the Director of Los Prietos Boys Camp (Director). Jurors questioned staff and some youth as well as the Director. All were responsive to questions the jurors asked. The Director made a presentation and provided an Informational Packet describing the curriculum including several ongoing Programs, Educational, Vocational, and Fine Arts/Special Activities.

LPBC is a seven day-a-week, 24 hour a day minimum security correctional and treatment facility owned by the County of Santa Barbara (County). The LPBC is located on 17 acres in the Los Padres National Forest, 20 miles north of the City of Santa Barbara. The LPBC is operated by the County Probation Department and provides residential services to selected medium and high risk male offenders, ages 13 to 18. These offenders are considered wards of the Juvenile Court and are sent to LPBC for varying periods of time, usually between 120 and 180 days. Established in 1944, the LPBC now has a maximum capacity of 96 youth.

METHODOLOGY

In addition to visiting Los Prietos Boys Camp and the Susan J. Gionfriddo Juvenile Justice Center in Santa Maria, (Juvenile Hall) the Jury interviewed county staff and officials and reviewed various documents and websites.

BACKGROUND

Program Length

There are two program terms to which a juvenile offender can be assigned, one lasting 120 days and the other 180 days. The youth's in-camp program length is initially determined by the Court using factors such as the juvenile's criminal and school truancy history. Probation and County school personnel evaluate a ward's behavior weekly. Juveniles who display positive behavior can shorten their stay in camp. Alternatively, those who exhibit uncooperative behavior may have their stay extended up to a year to complete their sentence or be sent to Juvenile Hall. The Jury learned that in some cases juveniles at the camp will sabotage their program in order to stay in camp longer and avoid being returned to the community for fear of relapsing into criminal behavior. Juvenile offenders can repeat the program up to three times.

Drug Treatment Program

Drug abuse contributes greatly to truancy, dropout rates, and criminal activity which can lead to long term incarceration. Jurors learned from staff that approximately 90 percent of the incarcerated youth in LPBC have substance abuse problems. There are very few residential treatment programs in the County. LPBC utilizes "Sober Steps", a certified treatment program as well as Alcoholics Anonymous and Narcotics Anonymous. These programs supplement the Moral Reconciliation Therapy (MRT) program that has been operative at LPBC since 2013. MRT is an evidenced based program designed to encourage the youth to address the thinking and behaviors that contributed to their illegal activities in order to change their behavior. This multifaceted approach gives the youth a controlled, positive, and drug free environment that provides the best possible chance for them to break away from past negative life choices.

OBSERVATIONS

Recidivism Rate

Even though it is currently operating well below capacity, the LPBC has proven to be a good investment of taxpayer funds. The recidivism rate of the LPBC graduates is well below the state average. The Jury believes that the LPBC recidivism rate is also well below the rate of those youthful offenders processed through County juvenile hall. However, because of the complexity of the calculations, the Jury was unable to obtain quantitative evidence to support this belief. In order to compare rates for different facilities, identical calculation methodology is required. The Jury found that different methodologies exist at the State and Federal levels and even between facilities within the county. The County Probation Department is aware of this shortcoming and is working actively to implement a uniform recidivism computation and reporting methodology.

The following table shows the recidivism rate of LPBC graduates for calendar year 2014. The data is sorted by court location. The recidivism rate is calculated using any re-offenses (not including technical probation violations), during 2014 of graduates from the LPBC from 2012 through 2014.

LOS PRIETOS BOYS CAMP

Table 1. Recidivism Rate by Court Location

	Santa Barbara	Lompoc	Santa Maria	Total
Total LPBC Graduates	108	60	104	272
Number of Graduates with No Re-Offenses ^a	76	44	74	194
Number of Recidivists (One or More Re-Offenses) During 3 Year period	32	16	30	78
Percent Recidivism	30%	27%	29%	29%

^a This includes 19 youth with a technical probation violation.

As mentioned earlier, the recidivism rate for LPBC graduates is much lower than that of California as a whole. The three-year California juvenile recidivism rates for the six year period ending in 2007 are shown on Figure 1¹. Although it has declined somewhat since 2007, the statewide rate as of 2008 exceeded 70%. The comparable figure for LPBC graduates in 2014 was 29%.

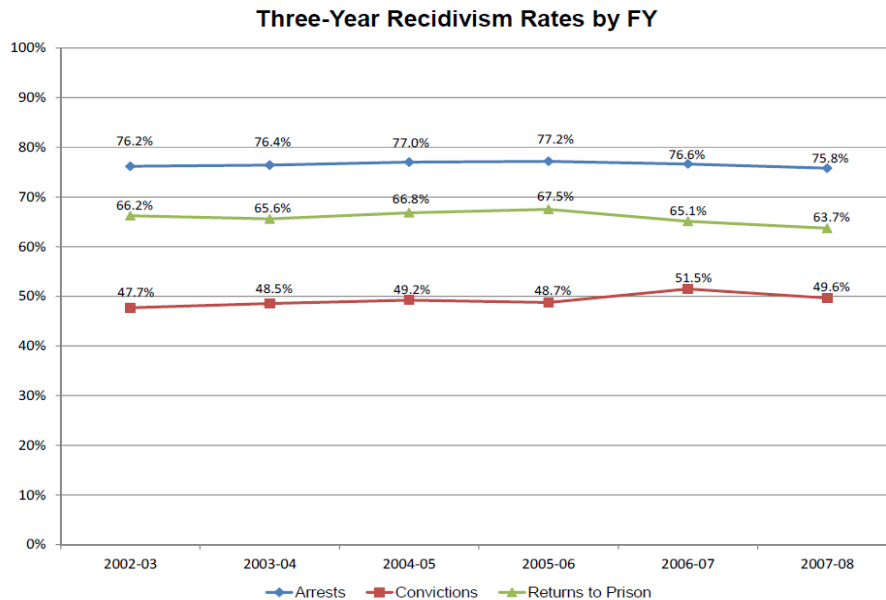


Figure 1. Juvenile Recidivism Rates for California

Preadmission Screening

This low recidivism rate is partially due to the intensive screening process used to evaluate

¹2012 Outcome Evaluation Report, California Department of Corrections and Rehabilitation Office of Research, October 2012

candidates before admission which includes a medical/physical examination. The most current LPBC Screening form is attached as Appendix A. In addition, the process includes psychological evaluations and mental health history to determine suitability. LPBC personnel also interview youth to determine their level of maturity and commitment to complete the program.

In 2015, 121 youthful offenders were referred for admission suitability evaluation. Of these candidates, 11 (or 9%) were rejected. Rejections occurred either because of the type of offense (arsonists and sex offenders are not eligible), a physical problem, or because the sentence was too short for the program to be effective.

Other Support Programs

A major study of the effectiveness of various intervention and treatment programs was conducted by M. W. Lipsey, Director, Peabody Research Institute at Vanderbilt University in 2009².

His conclusions are:

“Counseling interventions had the largest positive effects on recidivism decreasing it by 13%, followed by Multiple coordinated services (12%), and Skill building programs (12%). The counseling interventions that were most effective were group-based, mentoring focused, and those that had mixed combinations of various types of counseling.”

To their credit, LPBC staff have implemented a number of support programs designed to assist the youth in their care in recognizing how their behavior contributed to their incarceration, and, more importantly, how they can modify their behavior in the future. These programs include: individual and family counseling, Moral Reconciliation Therapy, three different substance abuse counseling programs, a weekly public speaking and leadership skills program, and the “Aftercare” program which helps youth transition back into the community. LPBC also provides some vocational training and a rigorous online education program (Los Robles High School) that operates 12 months of the year and is administered by the Santa Barbara County Education Office. Freedom 4Youth, a non-profit corporation, offers a post incarceration mentorship program that is only available to youth who live in South County. This or a similar mentorship program should be offered to North County youth, as well. These worthy programs are well documented elsewhere and will not be discussed further in this report.

Economic Analysis

The Jury believes that the Los Prietos Boy’s Camp is run effectively and efficiently and is a significant asset to the community. The LPBC operating cost is more than offset by savings to society resulting from the higher education level and lower recidivism rate of young men that have participated in the LPBC program.

During 2015, an average of 37 young men were held in custody at LPBC at any given time. This utilization rate is about 70 percent of one dormitory’s possible holding capacity (without making

² Victims & Offenders, Volume 4, Issue 2, April 2009, pages 124-147, *The Primary Factors That Characterized Effective Interventions With Juvenile Offenders: A Meta-Analytic Overview*, Lipsey, M. W.

LOS PRIETOS BOYS CAMP

capital expenditures). This equates to an approximate annual cost of \$151,000 per occupant³ (\$414/day). This is \$32,000 less than the \$183,000 (\$501/day) per occupant to incarcerate a youth at Juvenile Hall.

The LPBC facility includes two dormitories. One dormitory, in use currently, is capable of housing 52 youth at a time. The second dormitory, currently not in use, could house an additional 44 youth, for a total of 96 youth if both facilities were placed in operation. The smaller, second dormitory, once known as the Boys Academy, was used to house the youngest offenders, keeping them separate from the older boys. It closed three years ago because of a decrease in the number of younger juvenile offenders. This dormitory could be used if the program were expanded to house females, keeping them separate from the boys.

California State regulations regarding facility staffing levels also affect the LPBC housing capacity. Current staff is able to care for a maximum of 50 youth. Any youth population greater than 50 would require hiring additional staff.

The LPBC annual operating costs, (\$5.6 M for fiscal year 2015-16) can be divided into two categories: variable and fixed. The variable costs are proportional to the number of youth and include items such as food, medical care, uniforms, and transportation. The fixed costs are the cost of the physical plant, the beds, buildings, lockers, showers, etc. As discussed above, a sharp cost increase occurs at about 50 inmates, due to the requirement to open the second dormitory. Because of State regulations, cost of the staff is considered a fixed cost for the sake of this discussion, when 50 or fewer youth are housed. As an example, adding or subtracting one inmate would not affect the size of the staff. The cost/inmate, however (the total annual facility operating cost divided by the number of students) decreases as shown in Table 2 since the fixed expenses are amortized over a larger number of inmates.

Table 2 LPBC Incarceration Cost vs. Number of Youth

No. of Youth	20	30	37	40	50	55	60	70	80
Total Cost (Million \$)	5.08	5.30	5.60	5.66	5.88	10.00 ^a	10.20 ^a	10.40 ^a	10.60 ^a
Annual Cost Per Inmate (\$)	254,000	176,667	151,351	141,500	117,600	181,818	170,000	148,571	132,500

^a Estimated

As mentioned earlier, average LPBC utilization in 2015 was 37 youth, as shown in Table 2 with cost/inmate of approximately \$151,000. Total facility operating cost is approximately \$5.6 million.

Capacity exists at LPBC to increase utilization of the facility by 30% without increasing operating cost significantly. If the facility were operating near maximum capacity, housing 48

³ \$5.6 M LPBC annual budget for an average of 37 incarcerated youth for 2015.

youth, the annual cost/inmate would decrease to about \$120,000/year). Total operating cost would increase only 3% to \$5.77 million/yr.

As discussed in a previous section titled Preadmission Screening, the Jury learned that 9% of the 121 candidates for LPBC commitment were rejected for various reasons. We also learned that 90 boys, or 74%, were ordered to LPBC. The remaining 20 (16.5%) were screened and accepted but, for various reasons, were NOT ordered to the camp. It is this population that the Jury believes constitutes the candidate pool for increasing LPBC utilization.

Additional Methods of Increasing Camp Utilization

Another possible way to increase use of the existing facilities would be to accept females. Currently, some females are sent out of state to group homes using state and federal funds. A soon to be published UCSB report, entitled “Evaluation of Female Specific Services: Transforming the Juvenile Justice Approach to Girls, 2016” Executive Summary concludes “that a local option, where girls could receive intensive mental health treatment would be preferable to out-of-county group homes”⁴. The unused dormitory at LPBC would require almost no modification to accommodate females. Accepting females would give them access to the same intensive mental health services available to the boys. Therefore, the cost for female inmates would be similar to the cost for males.

The need for a facility to house juvenile female inmates is worthy of further study. Although, over the last several years, the number of female offenders has decreased steadily, this year, the number has increased sharply.

Even so, the number of female offenders in Santa Barbara County is not presently sufficient to warrant establishing a separate program for them. The minimum number of female youth for a cost-effective program is approximately 20. It is possible, however, that an arrangement could be reached with the probation departments of Ventura and San Luis Obispo Counties to house and rehabilitate qualifying females from their jurisdictions. The Jury recommends that this possibility be explored. The Jury’s preliminary study indicates that a joint program would benefit all participants.

Another possible way to increase use of the existing facilities would be to offer programs of shorter duration. Existing programs of 120 and 180 days could be complemented with 60 and/or 90 day programs. The Jury recommends that this possibility be explored as well.

Benefits to Society

When youth graduate from Los Prietos Boys Camp, (and, in many cases, subsequently from high school) the positive effects are not only felt by the juvenile but also his family. These benefits cannot always be quantified as they may involve improved self-esteem, self-discipline, a resolve to move on to college or a job, and/or to contribute to his family. One youth, when asked what

⁴ Year 2: Systemic Probation Analysis & Girls Group Evaluation, Evaluation of Female Specific Services, Transforming the Juvenile Justice Approach to Girls, 2016 Executive Summary, UCSB and Santa Barbara County Department of Behavioral Wellness, Draft

he would do differently when he got out of Camp said he wanted his behavior not "to make my mom cry again." See Appendix B for similar comments from other youth incarcerated at LPBC.

However, numerous papers and studies show that society as a whole clearly benefits in a multitude of financial ways. Before they were incarcerated at LPBC, the majority of the youth were substance abusers, were truant (some for as long as a year), and were found guilty of various violations of the law. This report does not attempt to analyze every detail of the individuals placed at the Camp. However, it is accurate to state that they were all in danger of ending up as statistics, whether it be as high school dropouts, perpetrators of further crimes, victims of crimes, and/or as inmates of local, state, or federal prisons.⁵ Beyond that, the youth could become a financial drain on various levels of government and its taxpayers in numerous ways, whether as inmates of jails and prisons, welfare or food stamp recipients, and/or as low wage earners. "The typical career criminal causes \$1.3–\$1.5 million in external costs; a heavy drug user causes \$370,000 to \$970,000. Eliminating duplication between crimes committed by individuals who are both heavy drug users and career criminals results in an overall estimate of the "monetary value of saving a high-risk youth" of \$1.7 to \$2.3 million."⁶

These and more data may be found in Appendix C, "Memo from Joyce E. Dudley, District Attorney, County of Santa Barbara, March 30, 2016".

Based on its investigation, the Jury strongly believes that the Los Prietos Boys Camp is a valuable asset that not only changes the lives of the youth it incarcerates, it also contributes to saving an appreciable amount of money for taxpayers and all levels of government.

CONCLUSION

The 2015-2016 Santa Barbara County Grand Jury examined the operation of the Los Prietos Boys Camp. The camp provides a structured and predictable environment where medium and high-risk youth are encouraged to modify their behavior, develop self-esteem, and prepare themselves to re-enter society. The Jury studied the support programs provided to the youth including the programs that help the youth transition back into society.

The Jury believes that the Los Prietos Boy's Camp is run effectively and efficiently and is a significant asset to the community. The Jury concluded, however, that Los Prietos Boys Camp is not operating at capacity. The cost to house each youth, therefore, is higher than it would be with greater utilization. The Jury concluded that the possibility of expanding the LPBC mandate to include females appears feasible and is worthy of further study.

The Jury also concluded that no countywide definition of recidivism exists to allow evaluation of the effectiveness of various rehabilitation program alternatives.

⁵ See Appendix C, "Memo to Santa Barbara County Grand Jury from District Attorney Joyce E. Dudley, March 30, 2016"

⁶ Cohen, M. A. (1998). *The monetary value of saving high-risk youth*. Journal of Quantitative Criminology.

FINDINGS AND RECOMMENDATIONS

Finding 1

The Los Prietos Boys Camp at its current staffing level can care for up to 50 youth yet the number of juveniles held is less than this number.

Recommendation 1a

That the Santa Barbara County Board of Supervisors direct the Santa Barbara County Probation Department to conduct a study of ways to increase the utilization of the Los Prietos Boys Camp.

Recommendation 1b

That the Santa Barbara County Board of Supervisors direct the Santa Barbara County Probation Department to reevaluate its acceptance criteria and process to develop methods to increase the number of youth who are ordered to the Los Prietos Boys Camp program.

Recommendation 1c

That the Santa Barbara County Board of Supervisors direct the Santa Barbara County Probation Department to evaluate the possibility of decreasing the lengths of the programs in order to accommodate more youth.

Finding 2

No similar camp program for female juveniles exists in Santa Barbara County.

Recommendation 2

That the Santa Barbara County Board of Supervisors direct the Santa Barbara County Probation Department to evaluate including female juvenile offenders in this successful program.

Finding 3

Freedom 4Youth offers a post incarceration mentorship program that is only available to youth who live in the South County.

Recommendation 3

That the Santa Barbara County Board of Supervisors encourage the establishment of a similar mentorship program for North County youth.

Finding 4

No standard calculation methodology exists within Santa Barbara County for measuring juvenile recidivism.

Recommendation 4

That the Santa Barbara County Board of Supervisors direct the Santa Barbara County Probation Department to establish a single calculation methodology for juvenile recidivism and utilize it in all future reporting.

REQUEST FOR RESPONSE

Pursuant to *California Penal Code Sections 933 and 933.05*, the Jury requests each entity or individual named below to respond to the enumerated findings and recommendations within the specified statutory time limit:

Santa Barbara County Board of Supervisors – 90 days

Findings 1, 2, 3, and 4

Recommendation 1a, 1b, 1c, 2, 3, and 4

LOS PRIETOS BOYS CAMP

APPENDIX A
Los Prietos Screening Form

PLACEMENT SCREENING CHECKLIST

DATE:
PROGRAM LPBC
PLACEMENT AREA SM LO SB

REFERRING DPO: PHONE NO.:
NAME: DOB: AGE:
ADDRESS: PHONE NO.:
JID #: COURT NO.: SOCIAL SECURITY NO.:

LIVING SITUATION: W/MOTHER: W/FATHER: GUARDIAN:
RELATIVES: FOSTER PARENTS: GROUP HOME:
PARENTS'/GUARDIAN'S NAME: (MOTHER)
ADDRESS: PHONE NO.:
FATHER: PHONE NO.:
ADDRESS:

PARENT INVOLVEMENT: COOPERATIVE: RESISTANT:
PARENT(S) AND/OR SIBLINGS ON PROBATION/PAROLE:

IMMIGRATION ISSUES:

PROBATION HISTORY: Minor in Custody Yes No Date of Detention:
NEXT COURT DATE: RISK ASSESSMENT SCORE:
PRESENT OFFENSE: (CODE#)
ALL 707 (b) WIC and gang related offenses must include police report(s)

(SUMMARY):

PRIOR RECORD SUMMARY: (Scan Updated Custody Log Sheet)

VICTIMS AT LPBC:
CO-DEFENDANTS AT LPBC:
GANG AFFILIATION: (which one?) MONIKER:
CONFINEMENT TIME: (CS) (CC)

PRIOR ATTEMPTS AT REHABILITATION: (Include Complete/Incomplete)

PRIOR LPBA: Yes No MENTAL HEALTH PLACEMENTS: Yes No
GROUP HOME: Yes No RESIDENTIAL TREATMENT: Yes No
RUNAWAY BEHAVIOR: Yes No

Comments: (If yes to any of the above, include entry/exit dates, program name/location, and if the program was complete/incomplete)

PREVIOUS COUNSELING PARTICIPATION:

SCHOOL INFORMATION

LAST SCHOOL: EDUCATION/GRADE:
REG: RESOURCE: LH ED OTHER
ESL IEP LANGUAGE: ENGLISH SPANISH
OTHER

(ENTRY IS REQUIRED FOR MENTAL HEALTH HISTORY AND MEDICAL INFORMATION)

MENTAL HEALTH HISTORY

LOS PRIETOS BOYS CAMP

HISTORY OF SUICIDE IDEATION OR ATTEMPTS: Yes No

If yes, explain:

HISTORY OF ARSON/FIRE SETTING:

VIOLENCE: (DETAILED DESCRIPTION OF VIOLENT OFFENSES)

HOMOSEXUALITY: _____ MOLESTATION: _____ PSYCHOTIC BEHAVIOR: _____
EMOTIONAL STABILITY: _____
SOCIAL SKILLS/PEER GROUP: _____

MEDICAL INFORMATION

PSYCHOTROPIC MEDICATIONS: _____
DOSAGE: _____ FREQUENCY: _____
ALLERGIES: _____ DIABETES: _____
BEE STINGS: _____ If Yes, Anaphylactic Reaction: _____ If yes, date: _____
INJECTIONS NEEDED: _____ EPILEPSY: _____ ASTHMA: _____
INHALER REQUIRED: _____ HANDICAPS: _____
INJURIES: _____ OTHER: _____
SCARS: _____ TATTOOS: _____
300 WIC/PHYSICAL/EMOTIONAL ABUSE: _____ DRUG USE: _____
SUBSTANCE OF CHOICE: _____

CURRENT NEEDS OF THE MINOR:

COUNSELING REQUIREMENTS: SUBSTANCE ABUSE: _____ ALCOHOL/DRUGS: _____
INDIVIDUAL: _____ GROUP: _____ FAMILY: _____ MENTAL HEALTH: _____
VOCATIONAL/EMPLOYMENT ASSISTANCE: _____

STRENGTHS OF THE MINOR:

STRENGTHS OF THE PARENTS/FAMILY:

FAMILY REUNIFICATION/POST PLACEMENT PLANS / GOALS:

ADDITIONAL INFORMATION:

ACCEPTED REJECTED 120-DAY PROGRAM 180-DAY PROGRAM

SCREENING STAFF: _____ DATE: _____

COMMENTS:

APPENDIX B

A Gift to my Family, Friends, or the World

In December, 2015, youth at Los Prietos Boys Camp were asked, “If you had one special holiday gift to give to your family, your friends, or the whole world, what would it be?” Below are some of the answers from the boys.

- “If I could give my mom the gift she always wanted, it would be me being successful in life because she told me that that’s all she wants for me.”
- “A gift to my family is that I will finish my program and get released. Then a gift to the whole world would be to be a better person and help out the community.”
- A gift to my family would be getting out and doing good.”
- “One gift to my family would be to make them happy by getting out of camp and getting off probation.”
- “My gift to my family is to do my program and get home as soon as possible and graduate high school.”
- “A gift to my family would be to get out and do good and get off probation and not get locked up no more.”
- “To make my mom happy by getting a job and staying out of trouble.”
- “It would be for me to give back to society by doing good.”
- “Graduate from high school and be a better man.”

APPENDIX C

**MEMO TO SANTA BARBARA COUNTY GRAND JURY FROM
DISTRICT ATTORNEY JOYCE E. DUDLEY, MARCH 30, 2016**

Date: March 30, 2016

Responses to Confidential Question from the Civil Grand Jury

Question #1: What are the most recent truancy rates for high schools, broken down by school and/or district? What school year are these statistics for?

Below are the historical truancy rates for *all public schools students grades K-12* located in the County of Santa Barbara from the 2008-2009 through 2014-2015 school year, followed by the current truancy rates for *high school students only* for the 2014-2015 school year.⁷ Current and historical truancy rates for the County of Santa Barbara may be found here: <http://dq.cde.ca.gov/dataquest/dataquest.asp>.

A student is considered “truant” under California Education Code §48260 if they are absent from school *without a valid excuse* for three (3) full days during one school year. The District Attorney’s truancy reduction program, the CLASS Program, generally begins working with students *once they become classified as truant* to stop and/or reduce any further unexcused absences. To date, the CLASS Program has been remarkably effective at helping truant high school students get back on track. Overall, the County of Santa Barbara’s overall truancy rate (i.e., all students K-12) has been below the state average since 2011-2012 when the CLASS Program began operating. In the three years prior to the Class Program’s inception, the County of Santa Barbara’s overall truancy rate was *above* the state average.

County of Santa Barbara Historical Truancy Rates (All Grades K-12)

	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015
Santa Barbara County	27.02%	30.70%	30.76%	24.30%	27.60%	23.05%	22.69%
California Average	24.15%	28.32%	29.74%	28.50%	29.28%	31.14%	31.43%
Truancy Program?	NO	NO	NO	YES	YES	YES	YES

Carpinteria Unified

High School	2014-2015 Truancy Rate
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⁷ See <http://dq.cde.ca.gov/dataquest/dataquest.asp> (last accessed on March 24, 2016).

LOS PRIETOS BOYS CAMP

Carpinteria Senior High	25.81%
Foothill Alternative High	N/A
Rincon High (Continuation)	47.27%
District Wide (High School Only)	26.4%

Cuyama Joint Unified

High School	2014-2015 Truancy Rate
Cuyama Valley High	25.64%

Lompoc Unified

High School	2014-2015 Truancy Rate
Cabrillo High	40.09%
Lompoc High	44.65%
Maple High (Continuation)	85.71%
District Wide (High School Only)	45.7%

Santa Barbara Unified

High School	2014-2015 Truancy Rate
Alta Vista Alternative High	14.23%
Dos Pueblos Senior High	40.48%
La Cuesta High (Continuation)	83.81%
San Marcos Senior High	49.86%
Santa Barbara Senior High	40.90%
District Wide (High School Only)	43.73%

Santa Maria Joint Union

High School	2014-2015 Truancy Rate
Delta High (Continuation)	85.59%
Ernest Righetti High	35.91%
Pioneer Valley High	21.87%
Santa Maria High	33.91%
District Wide (High School Only)	35.08%

Santa Ynez Valley Union

High School	2014-2015 Truancy Rate
Refugio High	2.17%
Santa Ynez Valley Union High	10.48%
District Wide (High School Only)	10.32%

Questions #2-3: What are some statistics concerning the cost to society, and to the person, of dropping out of high school?

Below is a list of various data and statistics regarding the cost to society and the person of dropping out of high school as well as data and statistics on the connection between truancy and dropping out of high school. Additionally, California Attorney General Kamala D. Harris has produced three reports on truancy in California, which provide a wealth of information that can be found here: <https://oag.ca.gov/truancy>. Finally, the University of California, Santa Barbara's

California Dropout Research Project has produced nearly twenty reports related to this topic that can be found here: http://www.cdrp.ucsb.edu/pubs_reports.htm.

- **Fiscal Cost to California**⁸ – Each year 120,000 individuals fail to graduate high school. *Each* cohort of dropouts costs the State **\$9.5 billion in gross fiscal losses** over their collective lives. The costs break down as follows (please note that the *net* fiscal loss is \$6.3 billion due to \$3.2 billion in savings realized from not expending education funds on dropouts):
 - \$3.1 billion in lost state and local tax revenue due to lower incomes of high school dropouts;
 - \$3.5 billion in healthcare expenditures due to higher proportion of high school dropouts utilizing public assistance for healthcare (this equates to an average of \$29,166 per dropout);
 - \$2.5 billion in crime expenditures (e.g., incarceration, probation); and
 - \$400 million in welfare expenditures (this equates to an average of \$3,333 per dropout).
- **Economic Cost to California**⁹ - The above statistics measured *fiscal* costs, i.e., costs to the State government. However, high school dropouts have an even larger negative effect on our State’s economy as a whole. In total, California’s economy suffers a loss of **\$46.4 billion** for each cohort of dropouts over the course of their lives, which equates to a 2.9% reduction in annual Gross Domestic Product. The losses break down as follows:
 - \$6.3 billion in fiscal losses (see above);
 - \$22.4 billion in lost earnings (if these students had graduated they would have collectively earned this additional income over the course of their lives);
 - \$9.5 billion in costs incurred by victims of crime committed by high school dropouts; and
 - \$8.3 billion in lost growth and other externalities.
- **Life Expectancy** – High school graduates have a life expectancy of three (3) years longer than high school dropouts.¹⁰
- **Intergenerational Effects** – Only 6% of high school dropouts’ children obtain a bachelor’s degree or higher.¹¹
- **Earning Ability** – High school graduates earn \$9,000 more per year and \$370,000 more over their life time than high school dropouts.¹² Graduates are more likely to be working (68% more likely for males; 50% more likely for females) and to be employed in jobs with health insurance and pension plans (by 18-20 percentage points for each benefit), compared to high school dropouts.”¹³

⁸ Belfield & Levin, *The Economic Losses from High School Dropouts in California*, The California Dropout Research Project (August 2007).

⁹ Belfield & Levin, *The Economic Losses from High School Dropouts in California*, The California Dropout Research Project (August 2007).

¹⁰ National Longitudinal Mortality Study 1988-1998 (quoted by *Education Matters for Health* by Robert Wood Johnson Foundation).

¹¹ Snyder, Dillow, and Hoffman, *Digest of Education Statistics* (2005) (quoted by *Education Matters for Health* by Robert Wood Johnson Foundation).

¹² Doland, *Give Yourself the Gift of a Degree*, Employment Policy Foundation 2001.

¹³ Belfield, C. & Levin, H. (2007). *Policy Brief 1: The economic losses from high school dropouts in California*. Santa Barbara, CA: California Dropout Research Project, UCSB.

- **Truancy Leads to Dropping Out** – Students with ten (10) or more absences in the 10th grade are three (3) times more likely to drop out of high school than those with less than 10.¹⁴
- **Welfare Assistance** – High school dropouts are 2.5 times more likely to be on welfare than high school graduates.¹⁵ More than two-thirds of all high school dropouts will use food stamps during their working life; a high school graduate is 68% less likely to be on any welfare program, compared to a dropout.¹⁶
- **Lost School Funding** – During the 2010-2011 school year, due to truancy public schools in the County of Santa Barbara lost \$14,422,070 in Average Daily Attendance (ADA) funding. This number has remained relatively consistent throughout the last few years. ADA provides funding from the State to local schools based on their average attendance rates. Therefore, if students are truant the attendance rate drops and funding drops accordingly.
- **Connection to Incarceration** – For high school dropouts between the ages of 16 and 24, incarceration rates are *63 times higher* than among college graduates.¹⁷ While there is no direct link between incarceration and dropping out, the data is evidence that dropouts are exposed to many of the socioeconomic factors that are gateways to criminal activity. Nationwide, 68% of state prison inmates are high school dropouts.¹⁸
- **Living in Poverty** – High school dropouts are nearly 25% more likely than high school graduates to live at or below the poverty level. High school dropouts had a poverty rate of 30.8% in 2009 compared to 23.7% for people whose highest level of education is a high school diploma.¹⁹
- **Connection to Becoming a Victim of Crime** – One study, conducted in Baltimore, Maryland, found that 92% of juvenile victims of violence are chronically truant,²⁰ and another study conducted in San Francisco, California, found that 94% of murder victims under the age of 25 were high school dropouts.²¹

Questions #4-5: What are some statistics concerning the savings to society, and to the person (including juveniles), of avoiding interaction with the justice system?

¹⁴ Balfanz and Byrnes, *The Importance of Being in School: A Report on Absenteeism in the Nation's Public Schools*, May 2012, at p. 28.

¹⁵ U.S. Department of Justice & U.S. Dept. of Education, *Manual to Combat Truancy* (1996) available at <https://www2.ed.gov/pubs/Truancy/index.html>.

¹⁶ Belfield, C. & Levin, H. (2007). *Policy Brief 1: The economic losses from high school dropouts in California*. Santa Barbara, CA: California Dropout Research Project, UCSB.

¹⁷ Andrew Sum, et al., *The Consequences of Dropping Out of High School*, Northeastern University, Center for Labor Market Studies (October 2009), at p. 9, available at http://www.northeastern.edu/clms/wp-content/uploads/The_Consequences_of_Dropping_Out_of_High_School.pdf.

¹⁸ Bureau of Justice Statistics, United States Department of Justice. (2003, January). *Education and corrections populations*. Retrieved on June 1, 2007 from <http://www.ojp.usdoj.gov/bjs/abstract/ecp.htm>

¹⁹ National Center for Education Statistics, *Youth Indicators 2011*, Table 31 available at http://nces.ed.gov/pubs2012/2012026/tables/table_31a.asp.

²⁰ Kamala D. Harris, *In School + On Track*, at 34 (quoting The Office of Youth Violence Prevention, Baltimore City Health Department (Aug. 2009), available at http://www.baltimorehealth.org/info/2009_08_31_YouthViolenceReport.pdf).

²¹ Kamala D. Harris, *Pay Attention Now or Pay the Price Later: How Reducing Elementary School Truancy Will Improve Public Safety and Save Public Resources*, City and County of San Francisco District Attorney's Office (2010).

Below is a list of various data and statistics regarding the savings to society and individuals due to avoiding or reducing contact with the criminal justice system.

- **The Cost of a Life of Crime** – The typical career criminal causes \$1.3–\$1.5 million in external costs; a heavy drug user causes \$370,000 to \$970,000. Eliminating duplication between crimes committed by individuals who are both heavy drug users and career criminals results in an overall estimate of the “monetary value of saving a high-risk youth” of \$1.7 to \$2.3 million.²²
- **The Annual Per Prisoner Cost of Incarceration** – California spends **\$47,102** per year to incarcerate one person in state prison.²³ Similarly, an adult housed in county jail costs an average of \$28,000 per year and housing a juvenile in juvenile hall costs an average of **\$65,000** per year.²⁴ While some costs, such as facility upkeep and maintenance, are fixed, by lowering incarceration rates the State would realize significant savings in incarceration costs.
- **Cost Savings by Reducing Recidivism** – A 10% reduction in recidivism would save California \$233 million annually.²⁵
- **Negative Economic Effects of Incarceration on Prisoners** – By age 48, the average former inmate has earned \$179,000 less than if he had never been incarcerated. Serving time in prison reduces annual employment by 9 weeks and annual earnings by 40%.²⁶
- **Effect on Families** – 54% of inmates are parents of minor children. Family income is reduced by 22% while the father is incarcerated. Children of incarcerated fathers are almost 6 times more likely to be expelled or suspended from school than children with fathers who are not incarcerated.²⁷
- **High School Dropouts and Criminal Activity** – High school dropouts are involved in 48% of all criminal activity.²⁸ Research suggests that lack of economic opportunities greatly contributes to this oversized representation of high school dropouts involved in crime.
 - Significant increases in high school graduation rates will reduce violent crimes, including rape and murder, by 20%, will reduce property crimes by 11%, and drug crimes by 12%.²⁹
 - Specific to California, increasing the graduation rate by 10% would **prevent 500 murders and more than 20,000 aggravated assaults**.³⁰

²² Cohen, M. A. (1998). *The monetary value of saving high-risk youth*. Journal of Quantitative Criminology.

²³ Legislative Analyst's Office, *What does it cost to incarcerate an inmate?* (2008-2009) available at http://www.lao.ca.gov/PolicyAreas/CJ/6_cj_inmatecost.

²⁴ *Id.*, (2005-2006) at http://www.lao.ca.gov/PolicyAreas/CJ/2_cj_county_spending.

²⁵ Urahn, S. *State of Recidivism: The Revolving Door of America's Prisons*, The PEW Charitable Trusts, p. 26, Exhibit 4, available at

http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2011/pewstateofrecidivismpdf.pdf.

²⁶ Western, B. & Pettit, B., *Collateral Costs: Incarceration's Effect on Economic Mobility*, The PEW Charitable Trusts, p. 4, available at

http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2010/collateralcosts1pdf.pdf.

²⁷ *Id.* at 5.

²⁸ Wolf Harlow, C., *Education and Correctional Populations*, Bureau of Justice Statistics Special Report, U.S. Department of Justice (2003).

²⁹ Belfield & Levin, *The Economic Losses from High School Dropouts in California*, The California Dropout Research Project (August 2007).

³⁰ Fight Crime: Invest in Kids California, *School or the Streets: Crime and California's Dropout Crisis* (2007) at p. 6.

LOS PRIETOS BOYS CAMP

- **Justice System Savings Per High School Graduate**³¹ – Each high school graduate saves the State of California and local government an average \$21,370 in justice system costs, and the Federal government saves an additional \$10,580 in justice system costs. The statistics are even starker when broken down by gender and ethnicity. For example, each Hispanic male high school graduate saves the State of California and local government an average \$33,870, and the Federal government saves an additional \$16,590.
- **Cost to Victims** – As discussed above, each cohort of high school dropouts causes \$9.5 billion in costs to the victims of their collective crimes.³²

³¹ Belfield & Levin, *The Economic Losses from High School Dropouts in California*, The California Dropout Research Project (August 2007), at p. 27 and Table 13.

³² *Id.*



CITY OF SANTA BARBARA

CITY OF SANTA BARBARA

Commissions, Committees, and Boards

SUMMARY

The 2015-2016 Santa Barbara County Grand Jury (Jury) was asked to investigate potential conflicts of interest among the City of Santa Barbara's (City) appointed commissions, committees, and boards and the influence of their members on the City's policies. The City has functioning advisory groups to the City Council, Charter Boards, and Commissions required by Article VIII of the City Charter. The City also makes appointments to four groups created by California State law. The Jury looked into the very large number of these advisory groups, their responsibilities and their influence. The Jury considered the following questions: Do conflicts of interest exist; have some of these entities outlived their usefulness; do some of them have overlapping mandates? The Jury concluded that the answer to these questions is sometimes yes.

BACKGROUND

The Santa Barbara County Grand Jury (Jury) received a complaint questioning an advisory committee member's influence on the City of Santa Barbara's (City) Council decisions. The complainant was concerned that these positions may attract volunteers with potentially prejudicial motives or with conflicts of interest, real or perceived. The complainant questioned whether the objective decision making process of the City Council has been influenced unduly, resulting in disregard of the public good.

The City of Santa Barbara has at least 38 commissions, committees, and boards that all provide advice to the Santa Barbara City Council (Council). The Jury noted that the numbers of groups do not always agree in various parts of the City's websites. There are 11 committees that were part of the original Santa Barbara City Charter. These City Charter Committees often have decision-making mandates. A clear distinction should be made between these decision-making bodies and those which are purely advisory.

METHODOLOGY

The Jury interviewed a present committee member, senior City employees, former City employees, City engineers, a City planner, a City zoning ordinance officer, and an ex-council member. The Jury reviewed requested documents from the City, the City's web pages, and the website of the Fair Political Practices Commission.

OBSERVATIONS AND ANALYSIS

Engaged citizens volunteer to serve on those advisory groups in which they have interest and knowledge. Some boards require detailed knowledge of the field such as the Board of Architectural Review. Some boards denote an interest in the subject, such as Art in Public Places. All of the advisory groups require a moderate to great amount of personal time and commitment. In several of the advisory groups, participation has historically been a stepping stone to running for public office. The Jury noted that some groups have outlived their mandate, such as the 2006 Measure P Committee (marijuana enforcement priority). Others appear to have overlapping mandates.

No process is evident that calls for periodic review of the effectiveness and/or continued need for these committees. Additionally, there is no “sunset” rule in place whereby the committee’s mandate would be revoked automatically unless it is extended intentionally.

Number of Vacancies

How many vacancies are there? According to the City’s website, there are currently 43 open positions on its various advisory committees. Currently, for example, 15 committees have no vacancies, and one has six. Among the four State mandated appointments, two have current vacancies; the Housing Authority Commission has three vacancies, the Central Coast Commission for Senior Citizens has one. Table 1 shows which committees currently have unfilled positions.

Table 1 - City Committees, Boards, and Commissions

Committee Title	Committee Size	Vacancies*	Required By
Access Advisory Committee	7	0	Optional
Airport Commission	7	0	City Charter
Airport Public Art Advisory Comm.	7	0	Optional
Architectural Board of Review	7	0	City Charter
Arts Advisory Committee	7	0	Optional
Building & Fire Code Board of Appeals	8	1	Optional
Central Coast Commission for Senior Citizens	12, of which Santa Barbara is 1	1	State Mandate
Civil Service Commission	5	0	City Charter
Community Development & Human Services Committee	13	3	Optional
Community Events & Festivals Comm.	7	0	Optional
Creeks Advisory Committee	7	2	Optional
Downtown Parking Committee	7	1	Optional
Fire & Police Commission	5	0	Optional
Fire & Police Pension Commission	5	2	Optional
Front Country Trails Task Force	6- All City or County Employees	No Data	Optional
Golf Advisory Committee	7	Outdated Data	Optional
Harbor Commission	7	2	City Charter
Historic Landmarks Commission	9	0	City Charter
Housing Authority Commission	7	3	State Mandate

CITY OF SANTA BARBARA

Integrated Pest Management Advisory Committee	5	No data	Optional
Library Advisory Committee - County	18, Santa Barbara provides 1	2, one from Santa Barbara	Optional
Library Board	5	2	City Charter
Living Wage Advisory Committee	7	2	Optional
Measure P Committee	7	4	Optional
Metropolitan Transit District Board	7, Santa Barbara provides 2	0	State Mandate
Mosquito & Vector Management Dist.	1	0	State Mandate
Neighborhood Advisory Council	13	4	Optional
Noise Abatement Committee	No data	No data	Optional
Oversight board	7	0	Optional
Parks & Recreation Commission	7	2	City Charter
Planning Commission	7	0	City Charter
Rental Housing Mediation Board	10	3	Optional
SB Arts & Crafts Show Advisory Comm.	5	2	Optional
Santa Barbara Youth Council	15	6	Optional
Sign Committee	6	0	Optional
Single Family Design Board	7	1	Optional
Sister Cities Board	3	0	Optional
Staff Hearing Officer	1	0	Optional
Street Tree Advisory Committee	5	0	Optional
Sustainability Committee	7 City Employees	0	Optional
Transportation & Circulation Committee	7	0	Optional
Water Commissioners Board of	5	0	City Charter

*As of the date of this report.

Application Process

An application to fill a vacancy on a committee, commission, or board is submitted to the Council. The application form is available on this website: (<http://www.santabarbaraca.gov/gov/brdcomm/app.asp>). The applicant must provide personal information and agree to provide financial information if requested. The Council reviews the applications, interviews applicants, and makes appointments twice yearly. Applicants are interviewed at City Council meetings open to the public. Appointments are later made, by a majority vote, also at City Council meetings open to the public¹. In most instances, an applicant must be a City of Santa Barbara resident. Exceptions exist in cases where the committee advises an entity whose jurisdiction covers areas outside of the City limits. (Examples are Metropolitan Transit District, Library Advisory Committee, Central Coast Commission for Senior Citizens, and Santa Barbara Youth Council.)

Conflict of Interest

¹ Guidelines for the City of Santa Barbara Advisory Groups, pages 10 and 11, February 12, 2013
<https://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=11620>

How do conflict of interest laws affect the various City committees? The answer to this question varies, depending on which committee is being discussed. They generally fall into one of three categories:

1. Twenty groups for which ethics and conflict of interest training is mandated by California State law (Assembly Bill 1234, enacted in 2005); and City Resolution 14-068.
2. Fourteen groups which are exempt from AB 1234 but are still required by the City to conform to ethics requirements by City Resolution 13-006.
3. Remaining groups who are exempt from the AB 1234 law but are required by the City's Code of Conduct to follow all State conflict of interest laws.

The Jury was told that appointment to the advisory boards and committees is inherently a political process and having committee members representing "special interests" is not uncommon, and not necessarily undesirable. The Jury was also told that a separate analysis might be required to determine if a conflict of interest exists in a given situation. The selection process can result in politically motivated appointments. A volunteer's employment in a field closely related to their advisory role may well enhance their livelihood and be a gift to the public good. A "personal financial effects" rule requires a volunteer to abstain from discussion and voting in select situations.

Although, the decision-making authority of the various committees, commissions, and boards is varied, the level of concern for conflicts of interest should not vary.

Volunteer groups are often advisors to the City Council. The burden of objective and impartial decision-making is on the City Council, whose members answer to the public. The City Council members have had mandatory ethics training and make open-meeting public decisions that the voting public can scrutinize. The Council should consider whether the same conflict of interest and ethics training required of Council members should be added as a requirement to the remaining advisory groups, as well.

The City of Santa Barbara's advisory groups are subject to the Brown Act. They conduct announced meetings with an agenda and are all open to the public. Meeting minutes are recorded by a City employee and posted on the City's web site. Each advisory group has a City employee as a liaison along with support staff, who are also City employees. The City bears the cost of each advisory group and their support staff.

Is there a "sunset" provision in place?

The Jury determined that no provision exists for eliminating advisory groups that may have outlived their usefulness. As a result, bureaucratic inertia may set in and the committees just continue in existence, accomplishing nothing other than expending the time of support staff and tax payer money. The Jury recommends City Council review the functioning of the committees and their mandates every five years.

Are all of these committees necessary? Do their mandates overlap?

The Jury's answer to the first question is, probably not, but this decision is up to the City Council. The community may not need, for example, separate advisory committees for Airport Public Art oversight, Arts Advisory (except the airport), and oversight of the Arts and Crafts

show. The purpose of the website is to provide data to prospective volunteer committee members to help them decide whether to apply. On the other hand the Water Commission site is well done and contains much useful information.

FINDINGS AND RECOMMENDATIONS

Finding 1

The City of Santa Barbara has at least 38 commissions, committees, and boards, some of which may have outlived their purpose. No review process exists concerning their relevance.

Recommendation 1 (Sunset Rule)

That the City of Santa Barbara City Council review at least every five years the functioning, productivity, and relevance, of all advisory groups and continue, merge, or delete their mandates.

Finding 2

The City of Santa Barbara's website does not make a clear distinction between decision making and advisory bodies.

Recommendation 2

That the City of Santa Barbara City Council makes a clear distinction which Committees and Boards have decision-making mandates and those that are advisory only to the City of Santa Barbara City Council.

Finding 3

The City of Santa Barbara's website does not contain current information about committees, boards, and commissions.

Recommendation 3

That the City of Santa Barbara City Council update the section of the website dealing with committees, boards, and commissions.

REQUEST FOR RESPONSE

Pursuant to *California Penal Code Section 933 and 933.05*, the Santa Barbara County Grand Jury requests the Santa Barbara City Council to respond to the enumerated findings and recommendations within the 90 day statutory time limit:

City of Santa Barbara City Council – 90 days

Findings: 1, 2, and 3

Recommendations: 1, 2, and 3

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SANTA BARBARA COUNTY JAIL

SANTA BARBARA COUNTY JAIL

Intake Screening Process

SUMMARY

The 2015-2016 Santa Barbara County Grand Jury (Jury), reviewed the inmate intake procedures of the Santa Barbara County Jail (Jail) to ensure the facility is operating within the scope of *California Code of Regulations Title 15 (Title 15)* and the Santa Barbara Sheriff's Office (SBSO) Custody Operations Policy and Procedures Manual. This report outlines the operations, procedures, and observations made of the intake process, as well as findings, discrepancies, and recommendations made by the Jury.

The Jury found the intake screening process of the SBSO and Corizon Health (Corizon) was inconsistent in following established protocols, policies, and procedures. The medical intake process is cumbersome as the inmate medical records are not computerized. SBSO staff does not provide adequate oversight of Corizon contracted medical staff. In at least one instance, Corizon employees failed to follow established medical intake protocols.

According to SBSO staff, they are aware of these problems with the intake screening process and are already taking steps to reorganize the intake process to correct the problems identified. New protocols, policies, and procedures are being discussed by Corizon and the SBSO. In addition, a new Health Services Administrator and a Grievance Coordinator have been hired to ensure that any protocol deviations are addressed. As of the completion of this report, these changes are still in the implementation process.

BACKGROUND

The Santa Barbara County Jail (Jail) is a Type II detention facility, as described by the *California Code of Regulations, Title 15 (Title 15)*, used for the custody of persons pending arraignment, during trial and upon sentencing. The Jail is operated by the Santa Barbara Sheriff's Office (SBSO). It has been described as a revolving door with many of the same people being arrested, jailed, and released only to be arrested again. Arrestees are transported to the Jail daily from throughout the county. The Santa Barbara County Grand Jury (Jury) learned that approximately 75 percent of the Jail inmates are categorized as pretrial inmates. Some may stay less than one day or until their court arraignment proceeding and are then released. It is not uncommon for about 60 percent of the inmate population to leave within two to four weeks. There are at least 40 to 60 arrestees a day who must go through the intake procedure. Whether it's a short stay or a long stay, all arrestees entering the Jail must go through an intake process which includes a medical evaluation.

Agreement with Corizon Health

Since July 1, 2013, SBSO has had a Correctional Medical Agreement with Corizon Health (Corizon), a national for-profit correctional health care company based in Tennessee. This two year contract with the SBSO was scheduled to expire on June 30, 2015. However, the Board of Supervisors (BOS) extended the contract to March 31, 2017.

The SBSO contract with Corizon is intended to ensure arrestees entering the Jail receive adequate medical evaluations and that inmates are provided appropriate medical care. Corizon staff are required to work within the contracted budget and operational constraints of the Jail. The Jury recognizes this can be a challenging task because many arrestees enter the Jail in poor health with preexisting medical conditions. According to SBSO staff, approximately 75 percent of inmates in the Jail have substance abuse issues. The Jury was told that most of the arrestees entering the Jail have one or more medical problems. It costs approximately \$60,000 a year to house an inmate in the Jail.¹ The recidivism rate is approximately 70 percent which means that seven out of ten inmates will re-offend and end up back in the Jail and will have to go through the intake screening process again.

METHODOLOGY

Members of the Jury toured the Jail and observed the intake operation of the Jail, during regular work hours, and reviewed a video of an intake process. The Jury reviewed the SBSO Custody Operations Policy and Procedures Manual (Manual), staff memorandums, and reports. The Jury also examined intake assessment forms. In addition, the Jury also interviewed SBSO custody officers and Corizon staff.

OBSERVATIONS AND ANALYSIS

The Jail provides the following core set of prisoner intake functions:

- Identifying the prisoner
- Developing the prisoner's record
- Conducting medical and mental health assessments.
- Determining the prisoner's threat to public safety and his/her security requirements
- Identifying sex offenders, sexual predators, and vulnerable inmates
- Scheduling transfers to the long-term facility
- Identifying and validating security threat group membership

The intake process at the Jail operates 24 hours a day with approximately 40 to 60 arrestees arriving at the Jail daily. Many are under the influence of drugs or alcohol, have physical injuries, or are mentally ill. These factors make the intake process challenging for the SBSO and Corizon staff.

According to SBSO staff, the Jail is understaffed, under-funded and not well designed to carry

¹ Jail Staffing and Operating Cost Analysis, Santa Barbara County, Final Report CGL Companies, October 2015

out all of their required responsibilities. Individuals who need significant medical attention at the time of intake are generally not accepted in the Jail. Instead they are taken to the local hospital for medical evaluation and stabilization. The intake screening would then be performed at the Jail when the inmate returns from the hospital. Once an inmate is admitted to the Jail the County of Santa Barbara is responsible for the cost of any outside medical care.

The Health Services Administrator (HSA), a Corizon employee, is a Registered Nurse (RN) and is responsible for the day-to-day operations of the medical programs at the Jail. The HSA has the authority to oversee the administrative requirements of the programs, as well as recruitment, staffing, data gathering, financial monitoring, and enforcing policies and procedures.

Processing Procedures

The inmate intake procedure is a twofold process that includes a medical evaluation and a classification procedure that requires the cooperation of both SBSO staff and Corizon staff. The first step starts with a “SBSO Santa Barbara Sheriff Medical Pre-Screening” questionnaire, (see Appendix A) used to determine if there are current health issues that require prompt attention. In the past, this prescreening was performed by custody officers. According to the contract, SBSO staff receives up to 24 hours of training on medical issues annually by Corizon. However, this training is not adequate for SBSO staff to make many medical decisions. Therefore, deputies are no longer doing the medical intake prescreening on new bookings. The Jury learned that as of April 11, 2016, Corizon RNs are now performing the entire medical intake assessments. This is intended to ensure that medical needs are being met at intake. The medical prescreening questionnaire is an assessment tool used to determine if the inmate is ambulatory, alert, sick, suicidal, intoxicated, on medication, or has a history of drug or alcohol abuse. The name of the arrestee is entered into the Jail Management System (JMS), an inmate management software package, to determine if the arrestee has a previous record. If so, and if the arrestee has a significant medical condition such as heart problems, diabetes, drug/substance abuse history or psychological issues that were identified and recorded, the JMS would “red flag” the inmate information for ease of future retrieval. During the pre-screening, the detainee is asked about medication or street drugs recently used. Depending on the types of medications the detainee claims to be using, the nurse attempts to verify the prescribed medication by calling the detainee’s doctor, clinic, or pharmacy.

After conducting the medical prescreening using the SBSO questionnaire, the Corizon RN also evaluates whether the arrestee has significant medical issues that need to be addressed. This second medical evaluation uses Corizon’s “Intake and Receiving Screening form CS1101” (see Appendix B). Based on this evaluation the RN refers any arrestee with an urgent medical need to the Corizon contracted medical doctor (MD) for a follow up appointment. The Medical Process Overview, Medical Referral Sources, flow chart provided by SBSO staff (see Appendix C), does not reflect the new medical intake procedure and needs to be revised. .

An arrestee who discloses a history of drug or alcohol abuse is assessed with the Clinical Opiate Withdrawal Scales (COWS) (see Appendix D.) According to Corizon staff, if an arrestee is identified as having a history of substance abuse, there is a “protocol” to ensure they are monitored closely. For example, if it is determined that the arrestee is a habitual intravenous drug user, according to the Corizon staff “the inmate is to be placed in observation and

medication ordered to help reduce withdrawal symptoms.” These procedures are not outlined in the Receiving Screening Process (see Appendix E). These protocols are only referenced in the Manual Section 303. Use of Sobering/Observation Cell.

The Jury observed, that although SBSO and Corizon are supposed to work together, this cooperative collaboration has not always existed. SBSO staff has not always followed established oversight procedures to ensure Corizon staff are operating in accordance with their contract. Fundamental responsibilities may not be completed during a work shift. With proper monitoring, problems can be alleviated. SBSO staff does not have checklists or guidelines to reduce the risk of incomplete evaluation by Corizon staff. The Jury recommends that the Sheriff Office update Appendices C and E. Additionally, two signature blocks, one for medical clearance staff the other for the custody officer prior to classification should be added to the forms in Appendices A and B.

A critically important next step, after the arrestee is medically cleared, is classification. The classification which is conducted by SBSO Staff determines where in the jail the new inmate will be housed. During this time the inmate is issued a wristband that includes pertinent personal information and moved to a holding cell. Whether the inmate is a new arrestee, or a reoffender, they go through the same intake process. For the safety of all concerned, it is imperative that this two-step process requires close collaboration between Corizon and SBSO staff to ensure that inmates entering the Jail are medically cleared and classified before placement in the general population.

Protocols

When the Intake Screening Process is completed, information is documented in the JMS which includes general health concerns. Also documented are external observations of behavior, appearance, deformities, injuries, and skin lesions, which might be indicators of illicit drug use. Inmates entering the Jail are tested for tuberculosis if they are expected to be there longer than 72-hours. In the case of a female arrestee, gynecological and pregnancy issues are noted.

If there are any concerns noted during the medical intake process, the Corizon staff takes necessary steps to reconcile these issues. The medical intake RN may refer the inmate/patient to the MD or Nurse Practitioner (NP), give them needed bridge medications, or initiate other treatments or protocols. The MD or the NP sees the patients that have been referred to them as scheduled by the intake nurse. This procedural change is an improvement that will result in inmate/patients receiving the most appropriate level of care whether it is urgent, emergent or routine. If the medical review is not conducted in accordance with written procedures, and discrepancies are not corrected, situations can develop with unforeseeable complications.

Intake Process Failure

During the intake review, the Jury observed that medical records in the Jail are stored using an antiquated, paper system. According to Corizon and SBSO staff, medical records are not computerized for quick access and both recognize this as a serious deficiency. If further information is needed during a medical intake, Corizon staff must manually retrieve medical records which are stored in paper form in the medical unit. Although the JMS flags chronic medical conditions, the information is frequently limited and insufficient to medically evaluate

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inmates with major medical issues. If the medical records were stored electronically, medical intake evaluations could be conducted after first reviewing their previous medical history in the jail.

SBSO staff have established procedures and protocols on how to process inmates. However, the Jury found that at least in one case, the intake procedures were not followed and an inmate was released into the general population without a completed medical screening. It is vitally important that every step of the medical intake process be conducted for each arrestee. A deviation from the approved process may result in an arrestee's significant medical needs not being met when in the custody of the county, resulting in an intake process failure and possible major liability. All medical screening forms need to be signed and dated prior to classification. The classification by a custody officer must confirm that medical clearance has been completed prior to placement of the inmate to the appropriate location in the Jail.

A combination of events, such as the arrestee not responsibly and accurately reporting their medical condition, Corizon staff not completing their medical evaluation, and/or custody staff not overseeing the Corizon process, could result in intake process failure.

The Manual, Chapter 3, Section 303 (Use of Sobering/Observation Cell), outlines procedures to be used when an inmate is admitted to the Jail while under the influence of alcohol or other substance. Determining the level of intoxication or drug effect is subjective. When in doubt, in order to err on the side of safety, the use of sobering/observation cells is imperative. The consistent use of these cells ensures that inmates who are at risk are properly monitored.

CONCLUSIONS

The 2015-16 Santa Barbara County Grand Jury (Jury) determined that there have been inconsistencies in the intake screening process at the Santa Barbara County Main Jail (Jail). The Jury finds the medical prescreening questionnaire is not sufficient for Santa Barbara County Sheriff Office (SBSO) staff to determine if an arrestee has major medical concerns. SBSO staff receive minimal medical training annually. There has been a lack of SBSO oversight of Corizon Health (Corizon) medical staff to ensure the orderly, safe, and healthy intake of arrestees into the Jail. There has been a failure of SBSO staff to consistently follow their own intake procedure.

According to SBSO staff, they are already addressing some of these issues. A new Corizon Health Services Administrator (HSA) has been hired recently. The HSA is in the process of making changes that are addressing deficiencies in the medical intake procedure. Prior to the release of this report, the Jury learned that the SBSO staff are no longer conducting medical intake screenings. Corizon Registered Nurses are currently conducting all prescreening medical intake procedures. This process should continue and be documented on the medical process overview chart.

FINDINGS AND RECOMMENDATIONS

Finding 1

The Santa Barbara County Sheriff is using an antiquated paper system for maintaining inmate medical records at the Santa Barbara County Main Jail.

Recommendation 1

That the Santa Barbara County Sheriff implement a computerized medical record system for maintaining inmate medical records at the Santa Barbara County Main Jail.

Finding 2

The Santa Barbara County Sheriff Staff, has not always followed procedures, policies, and protocols pertaining to the intake process of arrestees.

Recommendation 2

That the Santa Barbara County Sheriff follow the established procedures, policies, and protocols pertaining to the intake process of arrestees.

Finding 3

The Santa Barbara County Sheriff does not have adequate oversight methods in place for ensuring Corizon Health staff are following their medical intake procedures at the Santa Barbara County Main Jail before the inmate is transferred to custody officers for classification.

Recommendation 3

That the Santa Barbara County Sheriff update Appendices A and B and add two signature blocks, one for medical clearance staff the other for the custody officer prior to classification at the Santa Barbara County Main Jail. .

Finding 4

The Santa Barbara County Sheriff medical intake prescreening questionnaire is now being conducted by Corizon Health registered nurses; however, the Medical Process Overview Chart does not reflect this.

Recommendation 4

That the Santa Barbara County Sheriff continue to use Corizon Health registered nurses to conduct all medical intake screening of arrestees entering the Jail and include this provision in all future contracts and in the Medical Process Overview Chart.

Finding 5

The Santa Barbara County Sheriff's Custody Operations Policy and Procedures Manual regarding the intake process needs revision.

Recommendation 5

That the Santa Barbara County Sheriff update the Custody Operations Policy and Procedures Manual to reflect the new changes being implemented to the intake process.

Finding 6

The Santa Barbara County Sheriff staff has not always confirmed arrestees were medically cleared by Corizon Health staff prior to classification and placement into the Jail population.

Recommendation 6

That the Santa Barbara County Sheriff initiate a procedure to ensure that all medical intake procedures are properly completed prior to classification and that inmate classification not be allowed to occur without verification of the completion of medical evaluation and clearance.

REQUEST FOR RESPONSE

Pursuant to *California Penal Code Section 933 and 933.05*, the Santa Barbara County Grand Jury requests each entity or individual named below to respond to the enumerated findings and recommendations within the specified statutory time limit:

Santa Barbara County Sheriff 60 days

Findings 1, 2, 3, 4, 5, and 6

Recommendation 1, 2, 3, 4, 5, and 6

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**APPENDIX A
Santa Barbara Sheriff's Medical Pre Screening**

SBSO SANTA BARBARA SHERIFF MEDICAL PRE-SCREENING

Inmate:

PLACEMENT REC:

Officer:

DATE:

ALLERGIES:

- SB
- SM
- COURT

HEALTH INS

- YES

PRIVATE

OTHER

- NO

WORKER'S COMP.

- YES
- NO

OFFICER VISUAL OBSERVATIONS:

1. WAS THE INMATE BROUGHT VIA THE HOSPITAL? IF YES, WHAT HOSPITAL?

- YES
- NO

2. DID THE INMATE ENTER THE JAIL UNDER HIS/HER OWN POWER? IF NO, HOW?

- YES
- NO

3. IS THE INMATE UNCONSCIOUS OR SHOWING SIGNS OF ILLNESS, INJURY, BLEEDING, PAIN, OR OTHER SYMPTOMS SUGGESTING THE NEED FOR IMMEDIATE EMERGENCY MEDICAL REFERRAL? IF YES, WHAT?

- YES
- NO

4. IS THE INMATE'S MOBILITY RESTRICTED IN ANY WAY? IF YES, HOW?

- YES
- NO

5. ARE THERE ANY VISIBLE SIGNS OF FEVER, JAUNDICE, SKIN LESIONS, RASH OR INFECTIONS, CUTS, BRUISES, MINOR INJURIES, NEEDLE MARKS OR BODY VERMIN? IF YES, WHAT?

- YES
- NO

6. DOES THE INMATE APPEAR TO BE UNDER THE INFLUENCE OF, OR WITHDRAWING FROM, DRUGS OR ALCOHOL? IF YES, WHAT?

- YES
- NO

7. DOES THE INMATE HAVE A PROSTHESIS (CRUTCHES, EYEGLASSES, WHEELCHAIR, DENTURES, ARTIFICIAL LIMB, HEARING AID, ETC.)? IF YES, WHAT?

- YES
- NO

8. DOES THE INMATE EXHIBIT ANY SIGNS THAT SUGGEST THE RISK OF SUICIDE, ASSAULT OR ABNORMAL BEHAVIOR? IF YES, WHAT?

- YES
- NO

9. DID THE INMATE GO DIRECTLY TO THE SAFETY CELL? (CONTACT MEDICAL)

- YES
- NO

INMATE QUESTIONNAIRE:

10. ARE YOU TAKING ANY MEDICATIONS PRESCRIBED BY A PHYSICIAN OR PSYCHIATRIST NOW? IF YES, NAME MEDICATION AND LAST TIME TAKEN

- YES
- NO

11. DID YOU COME INTO CUSTODY WITH PRESCRIBED MEDICATIONS?

IF YES, WHAT?

- YES
- NO

12. HAVE YOU BEEN TREATED FOR (CHECK AS APPROPRIATE)

- ASTHMA
- DIABETES
- ALCOHOL SEIZURES

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SBSO SANTA BARBARA SHERIFF MEDICAL PRE-SCREENING

Inmate:

PLACEMENT REC:

Officer:

DATE:

- DELIRIUM TREMENS (DT'S)
- EPILEPSY
- HEART CONDITION
- HIGH BLOOD PRESSURE
- MENTAL HEALTH PROBLEMS
- ULCER

ANY OTHER MEDICAL CONDITION? IF YES, WHAT?

- YES
- NO

13. DO YOU NOW HAVE A CONTAGIOUS OR COMMUNICABLE DISEASE OR BEEN EXPOSED TO ANYONE WITH ONE? (I.E., AIDS, HEPATITIS, TUBERCULOSIS OR SEXUAL TRANSMITTED DISEASE) IF YES, WHAT?

- YES
- NO

14. DO YOU SUFFER FROM SHORTNESS OF BREATH, COUGH FOR 3 OR MORE WEEKS, BLOODY SPUTUM, NIGHT SWEATS OR FATIGUE? IF YES, WHAT?

- YES
- NO

15. HAVE YOU NOTICED A DECREASE OR INCREASE IN WEIGHT RECENTLY? IF YES, HOW MANY POUNDS?

- YES
- NO

16. HAVE YOU BEEN HOSPITALIZED BY A PHYSICIAN OR PSYCHIATRIST IN THE PAST YEAR? WHEN? WHERE?

- YES
- NO

17. HAVE YOU FAINTED OR HAD A HEAD INJURY WITHIN THE PAST 72 HOURS? IF YES,

- YES
- NO

18. HAVE YOU EVER CONSIDERED OR ATTEMPTED SUICIDE? IF YES, WHEN?

- YES
- NO

19. ARE YOU SUICIDAL NOW?

- YES
- NO

20. DO YOU USE DRUGS?

- YES
- NO

WHAT KIND?

HOW OFTEN?

LAST TIME?

HOW MUCH?

21. DO YOU USE ALCOHOL?

- YES
- NO

WHAT KIND?

HOW OFTEN?

LAST TIME?

HOW MUCH?

FEMALES

22. WHEN WAS YOUR LAST PERIOD?

23. ARE YOU TAKING BIRTH CONTROL PILLS?

- YES
- NO

24. ARE YOU PREGNANT, RECENTLY DELIVERED OR MISCARRIED, OR EXPERIENCING ABDOMINAL PAIN OR DISCHARGE? IF YES, WHAT, AND NOTIFY MEDICAL

- YES
- NO
- PREGNANT
- RECENTLY DELIVERED

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SBSO SANTA BARBARA SHERIFF MEDICAL PRE-SCREENING

Inmate:

PLACEMENT REC:

Officer:

DATE:

- MISCARRIED
- EXPERIENCING ABDOMINAL PAIN OR DISCHARGE

I have answered all questions. I have been told and shown how to obtain medical services and advised on how to obtain medication upon release. I hereby give my consent for professional services to be provided to me through Corizon Health, Inc

Inmate's Signature: _____ Date: _____ Officer's Signature: _____ Date: _____

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**APPENDIX B
Intake and Receiving Screening CS1101**



Intake and Receiving Screening

Last Name:		First:		MI:		ID:	
Date:	Time:	<input type="radio"/> AM <input type="radio"/> PM	Sex:	<input type="radio"/> Male <input type="radio"/> Female	DOB:	Alias:	
Most recent incarceration: <input type="radio"/> None When: _____ Where: _____				Intake refused: <input type="radio"/> Yes <input type="radio"/> No		Interpreter used: <input type="radio"/> Yes <input type="radio"/> No	
Have you ever been incarcerated here: <input type="radio"/> No <input type="radio"/> Yes When: _____				<input type="radio"/> Yes <input type="radio"/> No		Name: _____	
Inmate transfer: <input type="radio"/> No <input type="radio"/> Yes: Records received: <input type="radio"/> Yes <input type="radio"/> No						Service: _____	
Private insurance: <input type="radio"/> None <input type="radio"/> Yes (Name): _____							
CRITICAL OBSERVATION							
Urgent/Emergent Medical Referral			Urgent/Emergent Mental Health Referral			Communicable Diseases Suspected:	
<input type="radio"/> None identified <input type="radio"/> Yes, check all that apply			<input type="radio"/> No <input type="radio"/> Yes, check all that apply			MRSA <input type="radio"/> Yes <input type="radio"/> No	
<input type="checkbox"/> Severe Injury <input type="checkbox"/> Life threatening illness			<input type="checkbox"/> Active hallucinations <input type="checkbox"/> Active delusions			Varicella (Chicken pox) <input type="radio"/> Yes <input type="radio"/> No	
<input type="checkbox"/> Uncontrolled bleeding <input type="checkbox"/> Severe pain			<input type="checkbox"/> Actively suicidal			Herpes Zoster (shingles) <input type="radio"/> Yes <input type="radio"/> No	
<input type="checkbox"/> Head trauma with mental status changes			<input type="checkbox"/> Other: _____			Lice/Pediculosis <input type="radio"/> Yes <input type="radio"/> No	
<input type="checkbox"/> Other: _____						Jaundice <input type="radio"/> Yes <input type="radio"/> No	
Responsiveness (Choose one):			Oriented to Person & Place <input type="radio"/> Yes <input type="radio"/> No			Needle Marks <input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Alert <input type="radio"/> Verbal Stimulus			Describe: _____			Other: _____	
<input type="radio"/> Painful <input type="radio"/> Unresponsive (Call 911) Describe Unresponsiveness: _____							
Mobility Restrictions/Impairments <input type="radio"/> No <input type="radio"/> Yes (Check all that apply):							
<input type="checkbox"/> Deformity <input type="checkbox"/> Cast <input type="checkbox"/> Paraplegic <input type="checkbox"/> Wheelchair <input type="checkbox"/> CPAP <input type="checkbox"/> Brace <input type="checkbox"/> Blind <input type="checkbox"/> Deaf							
<input type="checkbox"/> Amputation <input type="checkbox"/> Splint <input type="checkbox"/> Quadriplegic <input type="checkbox"/> Crutches/Cane <input type="checkbox"/> Other: _____ Comments: _____							
VITAL SIGNS <input type="checkbox"/> One or more vital signs refused							
Height	Weight	Temperature	Pulse <input type="radio"/> A <input type="radio"/> P	Respirations	Blood Pressure	Pulse Ox (optional)	
_____	_____	_____	_____ Initial	_____ Initial	*Recheck if indicated	_____ Initial	_____ Initial
<input type="checkbox"/> Act <input type="checkbox"/> Rptd	<input type="checkbox"/> Act <input type="checkbox"/> Rptd	<input type="checkbox"/> Not taken	*Recheck	*Recheck	*Recheck	*Recheck	*Recheck
HISTORY							
Major surgery or medical hospitalization within past year: <input type="radio"/> No <input type="radio"/> Yes, check all that apply and include date							
<input type="checkbox"/> Brain surgery _____ <input type="checkbox"/> Heart Surgery _____ <input type="checkbox"/> Abdominal Surgery _____ <input type="checkbox"/> MI _____							
<input type="checkbox"/> Stroke _____ <input type="checkbox"/> Transplant _____ <input type="checkbox"/> Due to traumatic injury _____ <input type="checkbox"/> Other: _____							
Female history: Date of last LMP: _____ <input type="radio"/> Unknown <input type="radio"/> N/A Are you currently pregnant: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Maybe/Don't know							
Pregnancy test: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Scheduled <input type="checkbox"/> Refused Test result: <input type="radio"/> Positive <input type="radio"/> Negative Fingerstick result (if pregnant) _____							
<input type="checkbox"/> Hysterectomy <input type="checkbox"/> Menopause							
MEDICATION REPORTED <input type="radio"/> None <input type="radio"/> Unknown <input type="radio"/> See below <input type="radio"/> See attached form							
Name/Dose	Frequency/Last Taken	Prescribed by or Provided by:	Verification Through				
	Freq: _____ Last: _____		<input type="checkbox"/> Medication Container	<input type="checkbox"/> Clinic			
			<input type="checkbox"/> Physician/Psychiatrist	<input type="checkbox"/> VA			
			<input type="checkbox"/> Pharmacy	<input type="checkbox"/> Unable to verify			
	Freq: _____ Last: _____		<input type="checkbox"/> Medication Container	<input type="checkbox"/> Clinic			
			<input type="checkbox"/> Physician/Psychiatrist	<input type="checkbox"/> VA			
			<input type="checkbox"/> Pharmacy	<input type="checkbox"/> Unable to verify			
	Freq: _____ Last: _____		<input type="checkbox"/> Medication Container	<input type="checkbox"/> Clinic			
			<input type="checkbox"/> Physician/Psychiatrist	<input type="checkbox"/> VA			
			<input type="checkbox"/> Pharmacy	<input type="checkbox"/> Unable to verify			
	Freq: _____ Last: _____		<input type="checkbox"/> Medication Container	<input type="checkbox"/> Clinic			
			<input type="checkbox"/> Physician/Psychiatrist	<input type="checkbox"/> VA			
			<input type="checkbox"/> Pharmacy	<input type="checkbox"/> Unable to verify			

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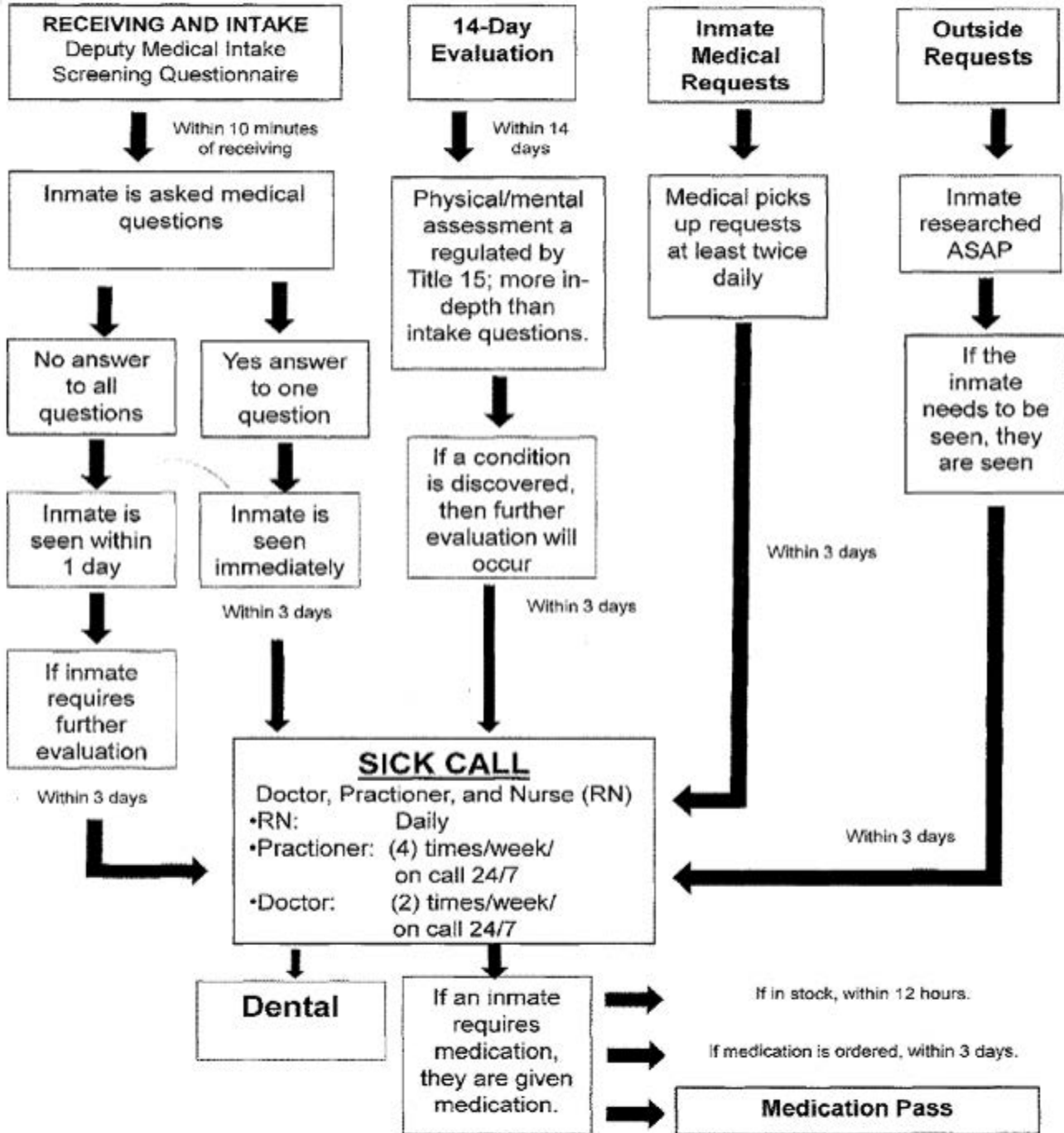
Last Name: _____		First: _____		MI: _____		ID: _____																
Allergies: Do you have any allergies (food, medication, environmental)? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> See attached																						
Allergy	Reaction Type (Hives, rash, SOB, anaphylaxis, shock)	Allergy	Reaction Type (Hives, rash, SOB, anaphylaxis, shock)																			
SUBSTANCE ABUSE																						
Alcohol Use: Do you drink alcohol: <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____ Last use: _____ How much: _____ How often: _____ Excessive drinker: <input type="checkbox"/> Yes (CIWA) <input type="checkbox"/> No Ever had alcohol withdrawals, tremors, seizures or DTs associated with stopping alcohol: <input type="checkbox"/> Yes (CIWA) <input type="checkbox"/> No If yes, when: _____				Substance/Drug Use/Rx Do you use drugs: <input type="checkbox"/> Yes <input type="checkbox"/> No Do you use injectable drugs? <input type="checkbox"/> Yes <input type="checkbox"/> No Last injectable use: _____ <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">How often?</td> <td style="width: 33%; text-align: center;">How much?</td> <td style="width: 33%; text-align: center;">Last use?</td> </tr> <tr> <td>Heroin</td> <td> </td> <td><input type="checkbox"/> Hx of withdrawal</td> </tr> <tr> <td>Narcotics</td> <td> </td> <td><input type="checkbox"/> Hx of withdrawal</td> </tr> <tr> <td>Benzodiazepines</td> <td> </td> <td><input type="checkbox"/> Hx of withdrawal</td> </tr> <tr> <td colspan="3"> <input type="checkbox"/> Methamphetamines <input type="checkbox"/> Cocaine <input type="checkbox"/> Other: _____ </td> </tr> </table>				How often?	How much?	Last use?	Heroin		<input type="checkbox"/> Hx of withdrawal	Narcotics		<input type="checkbox"/> Hx of withdrawal	Benzodiazepines		<input type="checkbox"/> Hx of withdrawal	<input type="checkbox"/> Methamphetamines <input type="checkbox"/> Cocaine <input type="checkbox"/> Other: _____		
How often?	How much?	Last use?																				
Heroin		<input type="checkbox"/> Hx of withdrawal																				
Narcotics		<input type="checkbox"/> Hx of withdrawal																				
Benzodiazepines		<input type="checkbox"/> Hx of withdrawal																				
<input type="checkbox"/> Methamphetamines <input type="checkbox"/> Cocaine <input type="checkbox"/> Other: _____																						
COMMUNICABLE DISEASES																						
HIV/AIDS Do you have HIV infection or AIDS: <input type="checkbox"/> Yes <input type="checkbox"/> No Are you currently taking medications: <input type="checkbox"/> Yes <input type="checkbox"/> No				TB Symptoms Do you have any of the following: Weight loss <input type="checkbox"/> Yes <input type="checkbox"/> No Night sweats <input type="checkbox"/> Yes <input type="checkbox"/> No Fever <input type="checkbox"/> Yes <input type="checkbox"/> No Appetite loss <input type="checkbox"/> Yes <input type="checkbox"/> No Coughing blood <input type="checkbox"/> Yes <input type="checkbox"/> No Persistent cough 2+ weeks <input type="checkbox"/> Yes <input type="checkbox"/> No Weak/tired <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None																		
TB Skin Test Prior + PPD: <input type="checkbox"/> Yes <input type="checkbox"/> No Plant PPD now: <input type="checkbox"/> Yes <input type="checkbox"/> No Location of PPD: <input type="checkbox"/> LFA <input type="checkbox"/> RFA Date Planted: _____				Planter's initials: _____																		
MEDICAL PROBLEMS																						
Do you have any ongoing medical problems we should know about? <input type="checkbox"/> Yes, complete applicable sections <input type="checkbox"/> No, proceed to Behavioral Health Section																						
<input type="checkbox"/> Asthma How long: _____ Last asthma attack: _____ ER visit in last 90 days <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, when: _____ Hospitalization in last year <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, when: _____ Have you ever had a tube put down your throat so that a machine breathes for you: <input type="checkbox"/> No <input type="checkbox"/> Yes, when: _____ Currently on steroids: <input type="checkbox"/> Yes <input type="checkbox"/> No Peak flow: <input type="checkbox"/> Yes <input type="checkbox"/> No () Reason not taken: _____		<input type="checkbox"/> Cardiovascular - Ask each question Angina <input type="checkbox"/> Yes <input type="checkbox"/> No Atrial fibrillation <input type="checkbox"/> Yes <input type="checkbox"/> No Stents <input type="checkbox"/> Yes <input type="checkbox"/> No Pacemaker <input type="checkbox"/> Yes <input type="checkbox"/> No Heart attack <input type="checkbox"/> Yes <input type="checkbox"/> No Internal defibrillation <input type="checkbox"/> Yes <input type="checkbox"/> No Bypass surgery <input type="checkbox"/> Yes <input type="checkbox"/> No Endocarditis <input type="checkbox"/> Yes <input type="checkbox"/> No CHF <input type="checkbox"/> Yes <input type="checkbox"/> No Blood clot in lungs or legs <input type="checkbox"/> Yes <input type="checkbox"/> No Are you taking Warfarin, Coumadin, or Jantoven <input type="checkbox"/> Yes <input type="checkbox"/> No Date of onset: _____ Last episode: _____ Comments: _____				<input type="checkbox"/> Cerebrovascular Disease Last CVA: _____ Last TIA: _____ Comments: _____																
<input type="checkbox"/> Hypertension How long: _____ Are you currently taking medication(s): <input type="checkbox"/> Yes <input type="checkbox"/> No Three or more anti-hypertensives: <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Diabetes How long: _____ Fingerstick: _____ <input type="checkbox"/> Not done Reason: _____ Are you currently taking medication(s): <input type="checkbox"/> Yes <input type="checkbox"/> No Are you currently taking insulin: <input type="checkbox"/> Yes <input type="checkbox"/> No When was last hospitalization: _____ If finger stick >300, ask the following: Nausea: <input type="checkbox"/> Yes <input type="checkbox"/> No Vomiting: <input type="checkbox"/> Yes <input type="checkbox"/> No Excessive thirst: <input type="checkbox"/> Yes <input type="checkbox"/> No Urine ketones (if taken) _____ <input type="checkbox"/> Not taken Reason: _____																				
<input type="checkbox"/> Epilepsy/Seizure Last seizure: _____ More than one seizure a month: <input type="checkbox"/> Yes <input type="checkbox"/> No Two or more anticonvulsants: <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Gastrointestinal Have you ever vomited blood: <input type="checkbox"/> Yes <input type="checkbox"/> No Frequency: _____ Last: _____ Comments: _____ Ever had dark, black stools from bleeding: <input type="checkbox"/> Yes <input type="checkbox"/> No Frequency: _____ Last: _____ Comments: _____ Comments: _____																				

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Last Name: _____		First: _____		ID: _____	
MEDICAL PROBLEMS (continued)					
<input type="checkbox"/> Cancer Do you currently have cancer: <input type="radio"/> Yes <input type="radio"/> No Are you currently being treated for cancer: <input type="radio"/> Yes <input type="radio"/> No Type: _____		<input type="checkbox"/> Dialysis Type: <input type="radio"/> Hemodialysis <input type="radio"/> Peritoneal Number of times per week: _____ Last dialyzed: _____		<input type="checkbox"/> COPD / Emphysema O ₂ dependent: <input type="radio"/> Yes <input type="radio"/> No Peak flow: _____ <input type="checkbox"/> Not taken	
<input type="checkbox"/> HCV <input type="radio"/> Yes <input type="radio"/> No		<input type="checkbox"/> Other: _____			
BEHAVIORAL HEALTH					
Do you have any current mental health complaints? <input type="radio"/> No <input type="radio"/> Yes					
Do you have a history of a mental health problem? <input type="radio"/> Yes - Complete Section 1 <input type="radio"/> No - Proceed to Section 2					
Section 1 Have you ever been diagnosed with a mental illness: <input type="radio"/> No <input type="radio"/> Yes, check which illness: <input type="checkbox"/> Schizophrenia <input type="checkbox"/> Major Depression History of outpatient therapy: <input type="radio"/> No <input type="radio"/> Yes Within the last year: <input type="radio"/> Yes <input type="radio"/> No <input type="checkbox"/> Bipolar <input type="checkbox"/> Other: _____ History of psychotropic medication(s): <input type="radio"/> Yes <input type="radio"/> No History of psych hospitalization: <input type="radio"/> Yes <input type="radio"/> No Within the last year: <input type="radio"/> Yes <input type="radio"/> No History of hearing things: <input type="radio"/> Yes <input type="radio"/> No History of seeing things: <input type="radio"/> Yes <input type="radio"/> No					
Section 2 History of suicide attempt(s): <input type="radio"/> No <input type="radio"/> Yes Last attempt: _____ Are you thinking of suicide now: <input type="radio"/> Yes <input type="radio"/> No Family/friends history of suicide: <input type="radio"/> Yes <input type="radio"/> No Recent significant loss: <input type="radio"/> Yes <input type="radio"/> No Do you feel like there is nothing to look forward to (hopeless/helpless): <input type="radio"/> Yes <input type="radio"/> No Have you ever hurt yourself on purpose: <input type="radio"/> Yes <input type="radio"/> No Are you thinking of hurting yourself now: <input type="radio"/> Yes <input type="radio"/> No Are you thinking of hurting others now: <input type="radio"/> Yes <input type="radio"/> No					
Section 3 Ever hospitalized for head trauma: <input type="radio"/> Yes <input type="radio"/> No History of violent behavior: <input type="radio"/> Yes <input type="radio"/> No History of victimization: <input type="radio"/> Yes <input type="radio"/> No History of sex offenses: <input type="radio"/> Yes <input type="radio"/> No History of: <input type="checkbox"/> Special education placement <input type="checkbox"/> Developmental disability <input type="checkbox"/> Mental retardation					
EXAMINATION					
General Appearance: <input type="checkbox"/> NAD <input type="checkbox"/> Appears hydrated <input type="checkbox"/> Other: _____					
Oral Screening		Describe		Skin (visible)	
<input type="checkbox"/> Unremarkable <input type="checkbox"/> Missing teeth <input type="checkbox"/> Abscesses <input type="checkbox"/> Cavities <input type="checkbox"/> Lesions <input type="checkbox"/> Dentures <input type="checkbox"/> Swelling <input type="checkbox"/> Dentures/Partials <input type="checkbox"/> Other: _____		_____ _____ _____ _____		<input type="checkbox"/> Unremarkable <input type="checkbox"/> Surgical scars <input type="checkbox"/> Jaundice <input type="checkbox"/> Open <input type="checkbox"/> Rash <input type="checkbox"/> Pallor <input type="checkbox"/> Sores <input type="checkbox"/> Tracks <input type="checkbox"/> Lacerations <input type="checkbox"/> Tattoos <input type="checkbox"/> Other: _____	
_____		_____		_____	
DISPOSITION					
Placement		Referral			
<input type="checkbox"/> GP <input type="checkbox"/> Isolation reason: _____ <input type="checkbox"/> Infirmary <input type="checkbox"/> Observation <input type="checkbox"/> Suicide Watch <input type="checkbox"/> Other		<input type="checkbox"/> H&P <input type="radio"/> Routine <input type="radio"/> Expedited <input type="checkbox"/> Behavioral Health <input type="radio"/> Routine <input type="radio"/> Expedited <input type="checkbox"/> Nursing Sick Call <input type="radio"/> Routine <input type="radio"/> Expedited <input type="checkbox"/> Chronic Care Clinic <input type="radio"/> Routine <input type="radio"/> Expedited <input type="checkbox"/> Practitioner Sick <input type="radio"/> Routine <input type="radio"/> Expedited <input type="checkbox"/> Dental referral <input type="radio"/> Routine <input type="radio"/> Expedited			
Notification: <input type="checkbox"/> Immediate supervisor <input type="checkbox"/> Practitioner On Call <input type="checkbox"/> ER for transport					
Consent for treatment signed: <input type="radio"/> Yes <input type="radio"/> No Reason: _____					
Access to care reviewed: <input type="radio"/> Yes <input type="radio"/> No Reason: _____					
Grievance process explained: <input type="radio"/> Yes <input type="radio"/> No Reason: _____					
Implement (check all that apply): <input type="checkbox"/> CIWA-Ar <input type="checkbox"/> COWS <input type="checkbox"/> BWS-C					
ADDITIONAL COMMENTS					
_____ _____ _____					
My information is correct and I accept the provision of medical, dental and mental health care.					
_____		_____		_____	
Patient's Signature		Interviewer's Name (Printed)		Interviewer's Signature	
				Date	
Secondary review (if indicated) _____					
		Name (Print)		Signature	
				Date	

**APPENDIX C
MEDICAL PROCESS OVERVIEW
MEDICAL PROCESS OVERVIEW**

Medical Referral Sources



SANTA BARBARA COUNTY JAIL

**APPENDIX D
CLINICAL OPIATE WITHDRAWAL SCALES (COWS)**



Clinical Opiate Withdrawal Scale (COWS)

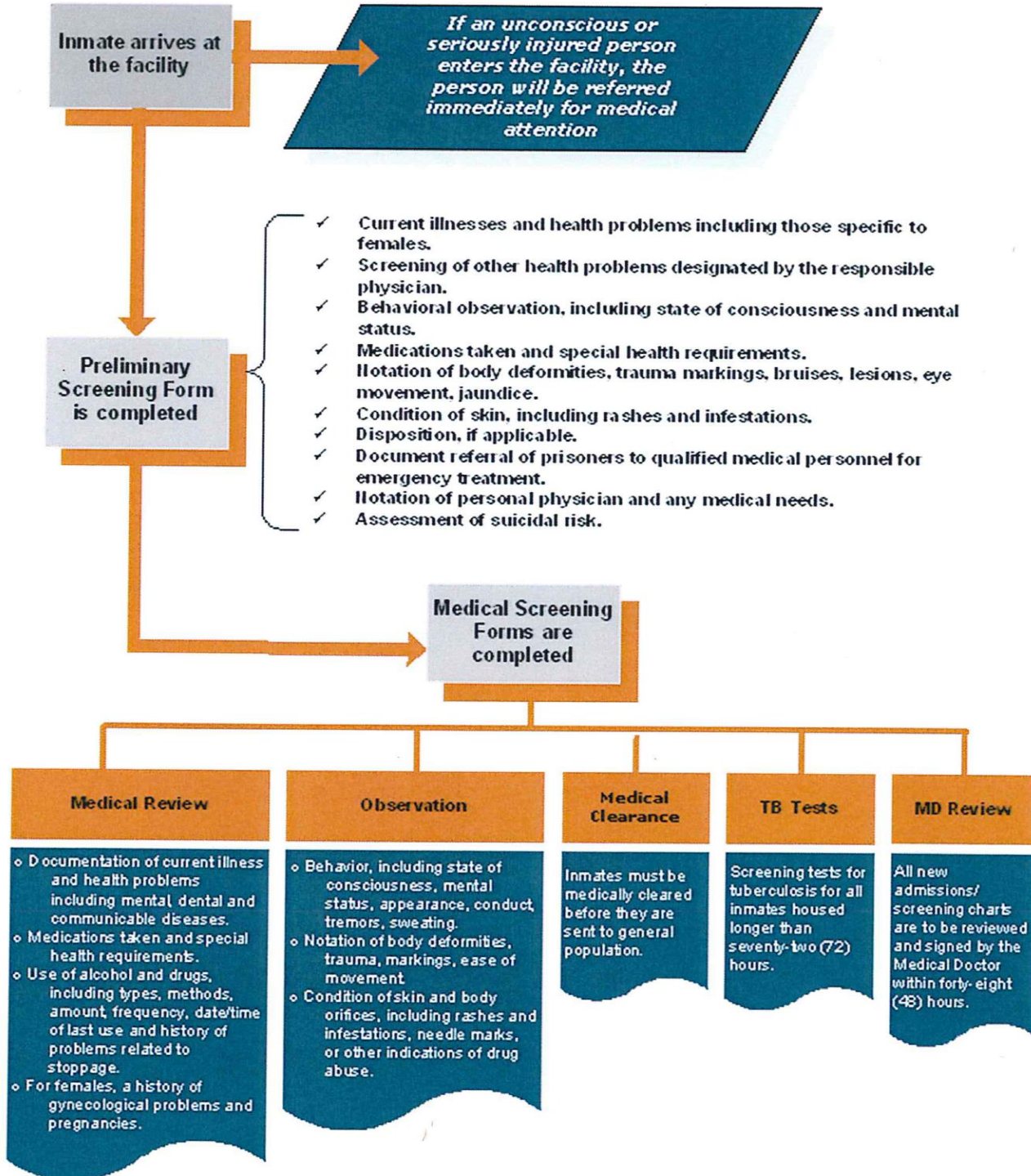
Name:				DOB:	WT:	<input type="checkbox"/> reported	ID#:
						<input type="checkbox"/> actual	
Shift 1	Date:	Time:	Score:	T:	P:	RR:	BP:
Shift 2	Date:	Time:	Score:	T:	P:	RR:	BP:
Shift 3	Date:	Time:	Score:	T:	P:	RR:	BP:

1	2	3	ASK and OBSERVE	1	2	3	ASK and OBSERVE
			Resting pulse rate (record beats per minute) Measured after patient is sitting or lying down for one minute 0 pulse rate 80 or below 1 pulse rate 81-100 2 pulse rate 101-120 4 pulse rate greater than 120				Runny nose or tearing Not accountable for by cold symptoms or allergies 0 not present 1 nasal stuffiness or unusually moist eyes 2 nose running or eyes tearing 4 nose constantly running or tears streaming down cheeks
			Sweating Over past ½ hour not accounted for by room temperature or patient activity 0 no report of chills or flushing 1 subjective report of chills or flushing 2 flushed or observable moistness on face 3 beads of sweat on brow or face 4 sweat streaming off face				GI upset over last ½ hour 0 no symptoms 1 stomach cramps 2 nausea or loose stool 3 vomiting or diarrhea 5 multiple episodes of diarrhea or vomiting
			Restlessness Observation during assessment 0 able to sit still 1 reports difficulty staying still, but is able to do so 3 frequent shifting or extraneous movements of arms and legs 5 unable to sit still for more than a few seconds				Tremor observation of outstretched hands 0 no tremors 1 tremor can be felt, but not observed 2 slight tremor observed 4 gross tremor or muscle twitching
			Pupil size 0 pupils pinned or normal size for light in room 1 pupils possibly larger than normal for light in room 2 pupils moderately dilated 5 pupils so dilated that only the rim of the iris is visible				Yawning observation during assessment 0 no yawning 1 yawning once or twice during assessment 2 yawning three or more times during assessment 4 yawning several times /minute
			Bone or joint aches If patient is having pain previously, only the additional component attributed to opiate withdrawal is scored 0 not present 1 mild diffuse discomfort 2 patient reports severe diffuse aching of joints/muscles 4 patient is rubbing joints or muscles and is unable to sit still because of discomfort				Anxiety or irritability 0 none 1 patient reports increasing irritability or anxiety 2 patient obviously irritable or anxious 4 patient so irritable or anxious that participation in assessment is difficult
							Gooseflesh skin 0 skin is smooth 3 piloerection of skin can be felt or hairs standing up on arms 5 prominent piloerection

Shift 1	Nurse Signature	Shift 2	Nurse Signature	Shift 3	Nurse Signature
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Maximum possible score 48	0-10	Mild	11-24	Moderate	25-48	Severe
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APPENDIX E
Receiving Screening Process
 Receiving Screening Process





LOMPOC UNIFIED SCHOOL DISTRICT

LOMPOC UNIFIED SCHOOL DISTRICT

Problems on the Board

SUMMARY

The 2015-2016 Santa Barbara County Grand Jury (Jury) completed an investigation into the Lompoc Unified School District (LUSD) after receiving complaints concerning a perceived conflict of interest involving a member of the Lompoc Unified School District Board of Education (Board) and his spouse, an employee of LUSD. The complainants reported that they came to the Grand Jury because they feared retaliation if they spoke out publicly on the issue, having already been subjected to threats of termination and other workplace hostility.

The Jury found that there was at least the appearance of a conflict of interest. Consistent with its role as “the public’s watchdog” in civil matters, the Jury deferred to the Santa Barbara County District Attorney the question of whether any criminal laws were broken.

The Jury also found that the Board lacks adequate internal financial controls regarding transfers from the General Fund and payments of travel expenses.

Finally, the Jury found that the Board did not adequately oversee staff attendance, allowed unethical behavior, and permitted a hostile work environment to exist.

BACKGROUND

The Lompoc Unified School District (LUSD) has close to 1,700 employees serving approximately 9,300 students, about 1,000 of whom require special education. There are eight elementary schools, two intermediate schools, and two high schools in the district. The Lompoc Unified School District Board of Education (Board) consists of five members who are elected to four-year terms that are staggered so an election occurs every two years. According to the Board’s bylaws, the Board “*shall ensure that the district is responsive to the values, beliefs, and priorities of the community.*” Its mission is “to provide leadership and citizen oversight of the district.”¹

The Superintendent of LUSD is employed by the Board and serves as the chief executive officer of the school district. He is the professional advisor to the school board, chief administrator of the schools within the district, and leader of the staff. He is responsible for the implementation of Board policies and the development of procedures for management of the entire school district. (See Chart 1.)

The LUSD has classified employees who are union members and are hired, fired, and promoted on a merit system from within. These employees include the kitchen staff, bus drivers, janitors, and other

¹ Lompoc Unified School District Bylaws of the Board, § BB 9000.

LOMPOC UNIFIED SCHOOL DISTRICT

workers in similar jobs. There are also certified staff who are part of the Association of Lompoc School Administrators (ALSA), which is not a bargaining unit. ALSA includes teachers and management staff who are promoted by seniority when applying for new positions. Some ALSA employees are also confidential employees who work with management to develop or present positions during collective bargaining.

METHODOLOGY

The Santa Barbara County Grand Jury (Jury) interviewed current and past employees of the LUSD, members of the LUSD Board, and a member of the Santa Barbara County Education Office. Board member Bill Christen declined to meet with the Jury. In addition, the Jury reviewed the LUSD budgets for the past four years, independent audits, travel expenses, and department expenditure records. Jury members also attended a LUSD Board meeting.

LOMPOC UNIFIED SCHOOL DISTRICT

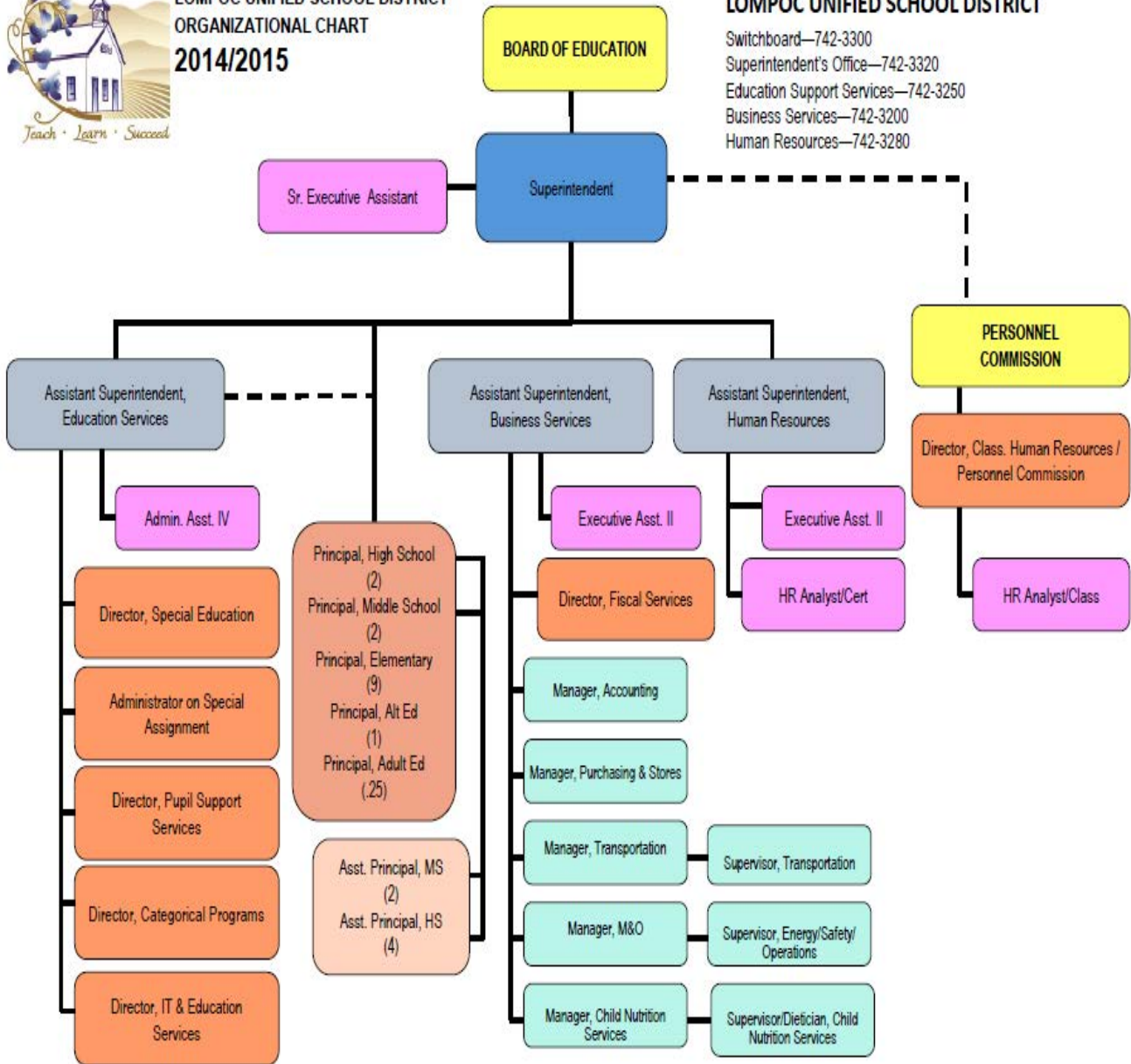
Chart 1.
Lompoc Unified School District Organizational Chart



**LOMPOC UNIFIED SCHOOL DISTRICT
ORGANIZATIONAL CHART
2014/2015**

LOMPOC UNIFIED SCHOOL DISTRICT

Switchboard—742-3300
Superintendent's Office—742-3320
Education Support Services—742-3250
Business Services—742-3200
Human Resources—742-3280



Revised 4/22/14—5/6/15

LOMPOC UNIFIED SCHOOL DISTRICT

OBSERVATIONS AND ANALYSIS

During the Jury's investigation of the LUSD, the following deficiencies were identified:

- Conflicts of Interest
- Financial Irregularities
- Inadequate and Unenforced Internal Financial Controls
- Hostile Work Environment
- Other Unethical Behavior
- Lack of Ethics Training

Conflict of Interest

Government Code § 1090 generally prohibits school board members (and other public officials) from having a financial interest in any contract their board makes. Under *GC § 1091.5*, a school board member whose spouse is employed by the school district has a prohibited financial interest in any board contract that impacts the spouse's financial interest, unless the spouse was employed by the district for at least one year before the member joined the board. *GC § 1097* provides that an official who willfully violates, or aids or abets in a violation of *GC § 1090* is punishable by a fine or imprisonment, "and is forever disqualified from holding any office in this state." (See Appendix A.)

Mr. Bill Christen was elected to the Board in December 2012, five months after his spouse was hired as Director of the Special Education Department (SED) in July 2012. Mr. Christen twice voted to increase the salaries of management and confidential employees who were members of ALSA, including his spouse. On January 28, 2014, Mr. Christen moved to approve a one-time four percent off-schedule salary increase, and on May 12, 2015, Mr. Christen voted with the Board to unanimously approve a 4.25 percent compensation adjustment to begin immediately and another 4.25 percent salary increase scheduled to begin on June 1, 2015. In all of these instances, Mr. Christen's spouse benefited from the salary increases.

Through his attorney, Mr. Christen has denied breaking any conflict of interest laws, and has pointed out that those laws are "complex," with "many exceptions." The Jury does not express or imply any opinion on whether Mr. Christen violated those laws. As the California Supreme Court put it, the Jury's role here is "to act as the public's 'watchdog' by investigating and reporting on the affairs of local government." It is the role of the Santa Barbara County District Attorney (DA) to determine whether any criminal conduct occurred, and the Jury defers that determination to the DA. Whatever that determination may be, however, the Jury believes that even the appearance of a conflict of interest seriously harms the public's confidence in the Board of Education. The Board can reduce the risk of similar harm in the future by implementing the Jury's recommendations below.

Financial Irregularities and Lack of Internal Financial Controls

After interviewing staff from the business office and reviewing financial records, the Jury was unable to determine exactly how expenditures of the LUSD's General Fund are being allocated and tracked. Past LUSD independent financial audits have noted a lack of adequate controls and use of public

LOMPOC UNIFIED SCHOOL DISTRICT

funds.² A more specific audit of the General Fund expenditures by the Board would serve to clarify the use of public funds.

Some witnesses expressed concern that, since Mr. Christen became a member of the Board, the department where his wife is the director—the Special Education Department (SED) received favoritism. The Jury’s investigation found that allocations from the LUSD general fund to the SED (designated as “Contributions” in Table 2) increased over 85 percent in the first year after Bill Christen was elected. The Contributions revenue represent the LUSD General Fund and the Expenses represent the Total Expenditures for the SED.

Table 2.
LUSD Special Education Income and Expenditures^a

Special Ed. Program	6/302013	6/302014	6/302015	6/302016
8010-8099 Revenue Limit	2,253,553.00	1,391,749.00	1,786,082.00	1,739,890.00
8100-8299 Federal Revenue	1,568,977.00	1,585,482.00	1,745,143.00	1,685,598.00
8300-8599 Other State Revenue	(707,623.00)	2,351,302.39	3,061,133.00	3,006,030.00
8600-8799 Local Revenue	265,692.81	975,603.02	1,093,738.06	791,860.00
Total Revenues	3,380,599.81	6,304,136.41	7,686,096.06	7,223,378.00
8980-8999 Contributions	2,766,064.65	5,125,610.85	6,303,528.83	7,649,905.00
		85.30%	22.98%	21.36%
1000-1999 Certificated Personnel	3,681,065.04	4,515,080.64	5,079,477.98	5,218,593.55
2000-2999 Classified Personnel	1,067,487.85	1,321,979.31	1,692,113.53	1,846,379.50
3000-3999 Employee Benefits	1,280,746.22	1,518,814.45	1,890,800.47	2,130,193.05
4000-4999 Books & Supplies	48,889.90	292,929.24	233,860.01	227,551.69
5000-5999 Services&Other Operating	68,475.45	391,111.72	338,790.96	677,229.21
6000-6999 Capital Outlay	-	78,601.81	-	-
7000-7999 Other Out Go&Transfers Out	-	3,311,230.09	4,754,581.94	4,773,336.00
Total Expenditures	6,146,664.46	11,429,747.26	13,989,624.89	14,873,283.00
		85.95%	22.40%	6.32%

^a From: “Fiscal Staff\Comparative Analysis\Routine Restricted Maintenance Comparative Report, three years”

The Jury also found that the SED Director submitted invoices for payment of over \$283,000 for books without any preapproval of the expenditures by the Board. This bypassing of budgetary controls was also indicated in two of the “Observations” of an external Audit ending June 30, 2015³ which are summarized below,

1 “Segregation of Duty - System Access-

Observation

In our review of system accessibility in purchasing and accounts payable systems, we noted that various personnel have access to functions not necessary for their assigned responsibilities. Specifically, we noted that at least one accounts payable clerk has access to AS400, the purchasing module, which allows the clerk to create new vendors.”

² 2010-2011 Independent Financial Audit, Glenn Burdette Public Accounting Agency and 2014-2015 Independent Audit, Vavrinek, Trine, Day and Co. LLP

³ 2014-2015 Independent Audit, Vavrinek, Trine, Day and Co. LLP

LOMPOC UNIFIED SCHOOL DISTRICT

2 “Disbursements

Observation

Four of 15 disbursements tested were not pre-approved by the ASB. The invoice date on these disbursements was prior to the purchase request approval date indicating that the order was placed prior to approval.”

The Jury also found a lack of oversight in LUSD’s payment of travel expenses. For example, District Policy AR 3350 states, “...if an employee stays with a spouse the reimbursement is linked to one-half of the double room rate.” (See Appendix B.) Yet the District pre-paid the full double room rate when the SED director traveled to New Orleans for an SED conference accompanied by her husband, a Board member, for a Board-approved conference. (See Appendix C.) The LUSD should have paid for only half of the hotel bill. No internal controls exist by which the LUSD can collect these pre-paid expenses from their employees. Travel funding comes from the General Fund and must be approved by the Board.

In addition, the Jury found that employees continue to be away from work without approval or appropriate “time away” forms being submitted. The issue was noted in an independent audit dated June 30, 2015⁴ and continues to be an ongoing problem.

“Payroll - Vacation Requests-

Observation:

During our testing of vacation request procedures, we noted vacation request forms are not utilized consistently for requests of vacation. Without these forms, there is no evidence of prior approval of vacation requests by the employee's immediate supervisor.”

The Jury recommends that the LUSD Board ensure that existing vacation and attendance policies are enforced.

Hostile Work Environment

Former and current employees interviewed by the Jury reported a hostile and confrontational work environment. Several key employees gave this as their primary reason for resigning. Among the contributing factors often cited by LUSD employees were the increasingly contentious working relationship between the Superintendent and Mr. Christen, and between the SED director and her colleagues. LUSD employees stated they did not have recourse to prevent these problems, for “fear of retaliation.”

LUSD has a “Nondiscrimination in Employment” policy, but it expressly prohibits only “unlawful” conduct. That legalistic limitation undercuts the policy’s usefulness in preventing and remedying workplace conduct that may be harmfully abusive, but not clearly unlawful. LUSD could easily plug this potential loophole by clarifying that the policy prohibits individuals at every level of the organization from engaging in abusive conduct as defined in Government Code section 12950.1, subdivisions (b) and (g)(2): “conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include ... verbal or physical conduct that a reasonable person would

⁴ Ibid

LOMPOC UNIFIED SCHOOL DISTRICT

find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance.”

Lack of Ethics Training

The Jury learned that the Board has not required ethics training for itself or the certified staff employees. An ethics training course is available online, at no cost, from the California Fair Political Practices Commission⁵. This training course covers subjects such as conflict of interest, and greater awareness of those subjects might have avoided or limited the unethical conduct described in this Report. Although this training is not specifically required by AB 1234, the Jury recommends that the Board adopt a policy that requires such training.

CONCLUSION

The 2015–2016 Santa Barbara County Grand Jury's investigation of the Lompoc Unified School District (LUSD) and its Board of Education (Board) found that, by permitting both the appearance of a conflict of interest and an ongoing hostile work environment to exist, the Board has failed in its self-proclaimed mission “to provide leadership and citizen oversight of the district.” Additionally, the Board has not provided adequate oversight of its financial responsibilities.

The 2015 - 2016 Santa Barbara County Grand Jury found other issues which require action. The Lompoc Unified School District needs to enforce policies to process employee complaints without fear of retaliation. District attendance policies need to be enforced to provide accountability for staff absences during the workday. The Board should require ethics training for its members. Finally, internal controls need to be established to provide adequate monitoring and enforcement of Board policies and the budgetary process.

FINDINGS AND RECOMMENDATIONS

Finding 1

A Lompoc Unified School District Board of Education member twice voted on pay increases that benefited his spouse.

Recommendation 1a

That the Lompoc Unified School District Board of Education require that the spouse's pay increases be reimbursed to the Lompoc Unified School District.

Recommendation 1b

That the Lompoc Unified School District Board of Education members recuse themselves from discussing and voting on issues that give rise to the perception of a conflict of interest.

Finding 2

The Lompoc Unified School District Board of Education does not have adequate control of how

⁵ <http://www.localethics.fppc.ca.gov/login.aspx>

LOMPOC UNIFIED SCHOOL DISTRICT

expenditures of the General Fund are being allocated and tracked.

Recommendation 2

That the Lompoc Unified School District Board of Education obtain an independent, specific audit of the General Fund expenditures to clarify the use of public funds.

Finding 3

A Lompoc Unified School District employee traveled to a conference with her spouse, a Lompoc Unified School District Board of Education member, and she failed to reimburse expenses as required by “Travel Expenses” AR 3350.

Recommendation 3a

That the Lompoc Unified School District Board of Education enforce the Lompoc Unified School District travel policy as required by “Travel Expenses” AR 3350.

Recommendation 3b

That the Lompoc Unified School District Board of Education prepare appropriate forms or put in place a tracking system so that the business office has a method to collect pre-paid travel expenses from employees.

Finding 4

The Lompoc Unified School District Board of Education has allowed a hostile work environment to exist.

Recommendation 4a

That the Lompoc Unified School District Board of Education add a policy prohibiting all District employees, Board members, and officials from engaging in abusive conduct as defined in Government Code section 12950.1, subdivisions (b) and (g)(2) [“conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include ... verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance.”]

Recommendation 4b

That, after the Lompoc Unified School District adopts the policy described above, the District post, distribute, and provide training on that policy throughout the organization, and enforce it.

Finding 5

The Lompoc Unified School District does not adequately account for the presence of its staff and management during work hours.

Recommendation 5

That the Lompoc Unified School District enforce an attendance policy for staff and management to ensure they are present and accounted for during work hours.

LOMPOC UNIFIED SCHOOL DISTRICT

Finding 6

The Lompoc Unified School District Board of Education does not include its members in the “Employment of Relatives” Policy BP 4112.8/4312.8 (See Appendix D).

Recommendation 6

That the Lompoc Unified School District Board of Education revise its Policy, BP 4112.8/4312.8, to include members of the Lompoc Unified School District Board of Education.

Finding 7

Members of the Lompoc Unified School District Board of Education are not required to receive ethics training.

Recommendation 7

That the Lompoc Unified School District Board of Education adopt a policy to require ethics training for Board members on par with AB1234 “Local Ethics Training” requirements.

REQUEST FOR RESPONSE

Pursuant to *California Penal Code Section 933 and 933.05*, the Santa Barbara County Grand Jury requests each entity or individual named below to respond to the enumerated findings and recommendations within the specified statutory time limit:

Santa Barbara County District Attorney – Information Copy – No Response Required

Superintendent Santa Barbara County Education Office – 90 days

Finding 2
Recommendation 2

Santa Barbara County Board of Education– 90 days

Finding 2
Recommendation 2

Lompoc Unified School District Board of Education – 90 days

Findings 1, 2, 3, 4, 5, 6, and 7
Recommendation 1a, 1b, 2, 3a, 3b, 4a, 4b, 5, 6, and 7

LOMPOC UNIFIED SCHOOL DISTRICT

**APPENDIX A
Government Code 1090**

GOVERNMENT CODE

SECTION 1090-1099

1090. (a) Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.

(b) An individual shall not aid or abet a Member of the Legislature or a state, county, district, judicial district, or city officer or employee in violating subdivision (a).

(c) As used in this article, "district" means any agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries.

1091.5. (a) An officer or employee shall not be deemed to be interested in a contract if his or her interest is any of the following:

(6) That of a spouse of an officer or employee of a public agency in his or her spouse's employment or officeholding if his or her spouse's employment or officeholding has existed for at least one year prior to his or her election or appointment.

1097 (a) Every officer or person prohibited by the laws of this state from making or being interested in contracts, or from becoming a vendor or purchaser at sales, or from purchasing scrip or other evidences of indebtedness, including any member of the governing board of a school district, who willfully violates any of the provisions of those laws, is punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the state prison, and is forever disqualified from holding any office in this state.

(b) An individual who willfully aids or abets an officer or person in violating a prohibition by the laws of this state from making or being interested in contracts, or from becoming a vendor or purchaser at sales, or from purchasing scrip, or other evidences of indebtedness, including any member of the governing board of a school district, is punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the state prison, and is forever disqualified from holding any office in this state.

(AMENDED BY STATS. 2014, CH. 483, SEC. 3. EFFECTIVE JANUARY 1, 2015.)

APPENDIX B
Lompoc School District Travel Policy

AR 3350

Business and Non-Instructional Operations

Travel Expenses

Reimbursement Procedures

The following instructions must be followed when submitting claims for reimbursement for in-state and out-of-state travel and other incurred expenses:

- 1 All claims must be submitted on district approved forms with original signatures on all pages.
- 2 All claims must be by individual, have a valid budget account number, and have copies of the fully signed trip request and travel form attached.
- 3 List name of person traveling or incurring expense. Only expenses, or prorated portions, incurred as representatives of the school district are payable. AN EMPLOYEE CAN BE REIMBURSED ONLY FOR HIS/HER OWN EXPENSES;
- 4 State mode of transportation - railroad, bus, airplane or personal automobile. List amount of fare separately. Travel vouchers/receipts must be submitted in case of private carrier. Car mileage is reimbursed at the current Internal Revenue Service (IRS) standard mileage rate or as specified in personnel contracts. Travel is computed from and to the school district as starting and completion point. An exception to this rule occurs when an employee begins/completes travel from a point other than the district, and the mileage to/from this other point is less than the mileage to/from the district. In instances such as these, the mileage will be computed as the lesser of the district or the other starting/ending point. If a personal car is used, the travel expense approved will be no greater than the expense that would have been incurred if it had been by airplane. Exceptions to this require prior approval of the immediate management supervisor. When a private car is used, the mileage must be listed in the expense claim. Mileage will be paid only for the approved distance between place of departure and destination based on the official Automobile Club of Southern California mileage chart (<http://www.aaa-ca.com>), unless an explanation is given to justify additional mileage related to district business.
- 5 Hotel - when traveling on school district business, with proper school district identification, hotels may grant a special government/state rate. Employees shall request the state government hotel rate or lowest rate available, whether it is the state government rate or any other available rate. Exceptions to the state rate or the lowest rate available must be pre-approved by the Superintendent. When possible, two employees shall share a room as long as the employee is the same gender. If a room is occupied by a district employee and other persons, the employee may claim only their portion of the room rate. For example, if an

Page 1 of 4

Business and Non-Instructional Operations

Travel Expenses (continued)

employee stays with a spouse the reimbursement is linked to one-half of the double room rate. If a room is occupied by two or more employees, each employee may claim only his/her prorated portion of the expense. **The receipt must be the original hotel/motel receipt.** Each employee must pay his/her own share of the expense as pre-approved on the LUSD travel form.

Travel Advance

The Superintendent or designee may approve an advance not to exceed \$75/day for meals, tolls, and short-term parking of one hour or less in lieu of other procedures and limits established here within. Other per diem rates may be established by the Board in individual employment contracts. Only actual and appropriate expenses below the \$75 per diem are reimbursed.

Claim Forms

Claim forms are required for the following expenses:

- 1 Meals - Reasonable expenditures are allowed for meals. Meals with an original, signed receipt by the LUSD claimant will be reimbursed up to the following rates not to exceed the following: (except as provided for in individual employee contracts):

Breakfast \$11;

Lunch \$16;

Dinner \$34.

With prior approval from the Superintendent and based on special circumstances and locality, meals will be reimbursed at the above rates. The rates are based on the U.S. General Services Administration (GSA) for Meals and Incidental Expenses (M&IE) for Santa Barbara County. Rates will be reviewed annually and based on GSA rates.

If any meals are included in the pre-paid conference registration fees and the employee chooses to eat elsewhere that meal cost will not be reimbursed. Employees shall submit receipts and are reimbursed on actual food expenses for days enumerated on the approved conference request form.

2. If an employee is on school business for a portion of the work day the employee will be entitled to the meal reimbursement for the meals consumed, except as provided for in individual employee contracts.

LOMPOC UNIFIED SCHOOL DISTRICT

If expenses are to be paid for informal meetings, including but not limited to luncheon meetings between the Superintendent and an administrator, or a District board member or a member of the community, the Superintendent or designee is authorized to determine in advance whether or not such expenditures promotes District business and whether or not as a matter of policy such expenses can be incurred.

3. Signed receipts by the LUSD claimant are required for all of the following expenses:
 - A. Meal Reimbursement
 - B. Taxi-list separately and indicate points of travel
 - C. Telephone or telegrams – list separately all points of call and charges
 - D. Registration, dues, or any other incurred expenses must be substantiated
 - E. Car rental – when a choice of rental service is available, the most economical car rental is required.
 - F. Hotel charges - list separately and support by hotel voucher/receipt. Employees sharing a hotel room must submit a travel reimbursement claim for their share of the cost of the hotel room. Hotel charges must be at State Rate or lowest available rate, unless pre-approved by the Superintendent or designee
 - G. Parking. Actual self-parking expenses are reimbursed; valet parking, while not usually approved, must be pre-approved and a written explanation is required for the extenuating circumstance.
4. Gratuities - other than for normal tips for taxis, bellboys, maids (for extended stays), baggage handling, and meals, gratuities are not authorized. If gratuities of an unusual amount or nature are required for a major meeting, convention, etc., they must be approved in advance and detailed on the individual travel expense report.
5. Travel expenses for a spouse are not reimbursable.
6. The Superintendent or designee shall in advance determine if any employee shall be reimbursed for expenses incurred in attending local civic organization functions to the extent that such expenses are incurred in the course of performing services for the school district.
7. Claims must be submitted within two weeks after completion of the trip. Unless all directions are adhered to and proper evidence presented, claims will be returned unreimbursed.

LOMPOC UNIFIED SCHOOL DISTRICT

AR 3350

Business and Non-Instructional Operations

Travel Expenses (continued)

8. Group travel (e.g. groups of 3 or more) shall be managed by the administrator leading the trip. Travel pre-approval forms are required for each LUSD employee participating on the trip, and the administrator shall coordinate event registration, transportation, hotel accommodations and shall be accountable for the pre-approved expenses.

Lompoc Unified School District
Approved: (4/87 6/87 12/99 4/07) 10/25/11

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LOMPOC UNIFIED SCHOOL DISTRICT

**APPENDIX C
Travel Expenses**



Lompoc Unified School District
Address all invoices to the Accounting Department:
P.O. Box 8000
Lompoc, CA 93438-8000
(805) 742-3190 FAX (805) 737-1708

PURCHASE ORDER

NO. PO16-01224

VENDOR: #000066/1

**RECEIVED
OCT 15 2015
ACCOUNTING**

SHIP TO: Special Education

MARRIOTT HOTEL SERVICES INC
P.O. Box 403003
Atlanta, GA 30384-3003

PO Date	F O B	Ship Via	Tax Rate	Terms	Required by
10/14/2015			8.0000		
Requisition #	Requisition Date	Requisitioner	Site	Room	
R16-01369	09/22/2015		SPED		
ITEM	QTY	UNIT	DESCRIPTION	UNIT COST	EXTENSION
1	1	EACH	HOTEL ACCOMODATIONS FOR STAFF ATTENDING THE NASP CONVENTION. SEE ATTACHED MAILING INSTRUCTIONS & EMAIL CONFIRMATIONS ██████████ CHECK IN 2/9/16, CHECK OUT 2/14/16; RESERVATION ID 2S3M8	\$ 1,214.15	\$ 1,214.15
2	1	EACH	██████████ CHECK IN 2/9/16, CHECK OUT 2/14/16; RESERVATION ID HQXP26	1,214.15	1,214.15
3	1	EACH	██████████ CHECK IN 2/9/16, CHECK OUT 2/14/16; RESERVATION ID WXVTS5	1,214.15	1,214.15
4	1	EACH	██████████; CHECK IN 2/9/16, CHECK OUT 2/14/16; RESERVATION ID XZ85JY	1,214.15	1,214.15
5	1	EACH	██████████ CHECK IN 2/9/16, CHECK OUT 2/14/16; RESERVATION ID Z57JX5	1,214.15	1,214.15
6	1	EACH	██████████ CHECK IN 2/8/16, CHECK OUT 2/14/16; RESERVATION ID N4XH84 PORTION BILLED TO ██████████ PREPAY WARRANT #	1,456.98	1,456.98

PAID

IMPORTANT REMINDERS:

- Itemized invoices in duplicate.
- Enclose packing list with ALL shipments.
- No deviation in price or substitution in kind permitted.
- All deliveries F.O.B. destination unless otherwise specified. If freight is to be charged, prepay and add to invoice.
- THE LAW REQUIRES MATERIAL SAFETY DATA SHEETS FOR ALL TOXIC MATERIALS. PLEASE ENCLOSE WITH INVOICE.
- This Purchase Order number must be printed on all invoices, packing lists, correspondence, and on all boxes, cartons or packages.
- School districts are not subject to Federal Excise Tax. Exemption certificates furnished upon request.

Order Sub-Total	\$	7,527.73
Sales Tax		.00
Shipping		.00
Adjustment		.00
Order Total	\$	7,527.73

*PREPAY N₆ 10/22/15
SB 10-14-15*

ACCOUNT DISTRIBUTION	PERCENT	DOLLAR AMOUNT
01- 6500- 0- 5001- 2100- 5200- 000- 2200- BI LL	3. 23%	\$ 242. 83
01- 6512- 0- 5750- 3110- 5200- 000- 0000- 0000	96. 77%	\$ 7, 284. 90

NO. PO16-01224

Accounting
Page 1 of 1

APPENDIX D
BP4112.8/4312.8
Employment of Relatives

BP 4112.8/4312.8

Personnel

Employment Of Relatives

The Governing Board desires to maximize staff and community confidence in district hiring, promotion, and other employment decisions by promoting practices that are free of conflicts of interest or the appearance of impropriety. (cf. 4030 - Nondiscrimination in Employment) (cf. 9270 - Conflict of Interest)

The Board prohibits the appointment of any person to a position for which his/her relative maintains management, supervisory, evaluation, or promotion responsibilities and prohibits an employee from participating in any decision that singularly applies to any of his/her relatives. (cf. 4111/4311 - Recruitment and Selection) (cf. 4115 - Evaluation/Supervision) (cf. 4315 - Evaluation/Supervision)

For purposes of this policy, relative includes the individual's spouse, domestic partner, parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse or domestic partner.

In addition, the Superintendent or designee may determine, on a case-by-case basis, whether to appoint a person to a position in the same department or facility as an employee with whom he/she maintains a personal relationship when that relationship has the potential to create (1) an adverse impact on supervision, safety, security, or morale of other district employees or (2) a conflict of interest for the individuals involved which is greater because of the their relationship than it would be for another person. (cf. 4031 - Complaints Concerning Discrimination in Employment)

An employee shall notify his/her supervisor within 30 days of any change in his/her circumstances that may constitute a violation of this policy.



ACTIVITY REPORTS

DECIDUOUS OAK TREE PROTECTION

INTRODUCTION

The 2015-2016 Santa Barbara County Grand Jury has completed an investigation regarding Article IX of Chapter 35, of the Santa Barbara County Code titled "Deciduous Oak Tree Protection and Regeneration Ordinance" (Ordinance). Enacted in 2003, the Ordinance was intended to protect oak trees for their major role in prevention of soil erosion and stabilization, as well as their historic and aesthetic contribution to the quality of life in Santa Barbara County.

BACKGROUND

Santa Barbara County (County) has an agricultural and tourism-based economy. The explosion of the wine industry in the county has changed grazing and virgin land into grapevine cultivation. In 1997, a County vintner cleared a large tract of land including removal of stabilizing vegetation and ancient deciduous oak trees. This land was then planted as a vineyard. The following rainy season wreaked havoc on the vineyard, severely changing the topography. This event caught the attention of the agricultural community, the public, and the Board of Supervisors (BOS). In 2003, responding to a joint effort by landowners and the community, the BOS enacted an ordinance to prevent this from recurring. Some deciduous oak trees are exempt from the ordinance. The Ordinance states that, if a deciduous oak tree is removed, it must be replaced by oak saplings with a replacement ratio depending on the parcel size from which it was removed. The ratio is dependent on whether the parcel is agricultural or non-agricultural. The Ordinance further states that, after five years, ten saplings must have survived for every tree removed.¹

METHODOLOGY

The 2015-2016 Santa Barbara County Grand Jury (Jury) interviewed staff from various County departments and spoke with landowners and tree experts. Information reviewed included photos, documents, and the Ordinance.

¹ *Santa Barbara County Code §35-901 et seq.* Full text at <http://sbcountyplanning.org/PDF/A/Article%20IX.pdf>

DECIDUOUS OAK TREE PROTECTION

OBSERVATIONS

The County Ordinance enacted in 2003 provided for enforcement by the Planning and Development Department along with support by the County Agricultural Commissioner. Taking a leading role in the enforcement and preservation of the oaks, the County Agricultural Commissioner works with Planning and Development when oak tree protection is required. Working primarily with vintners to save and protect the Valley and Blue deciduous oak trees, these two departments also oversee and protect many of the larger and most historic trees.

The regrowth of newly planted and distributed oaks numbers in the thousands. This is achieved by a partnership with the non-profit Santa Barbara County Farm Bureau and local schools to educate students and plant trees throughout the county. In addition, much of the protection of large and stately oaks is provided by citizens who send in complaints when oaks are threatened.

CONCLUSION

The 2015-16 Santa Barbara County Grand Jury determined that the Ordinance has been effective. The citizens and agriculture industry have self-policed and are protecting our county's unique environment-saving oaks. No oak tree removal projects have required mitigation since 2005 and no deciduous oak tree removal projects have been carried out since 2009. The 2003 County of Santa Barbara Deciduous Oak Tree Protection and Regeneration Ordinance has been a success.²

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

² 2015 Oak Tree Protection and Regeneration Program Status Report submitted, by Agricultural Commissioner and Director of Planning and Development, to the Santa Barbara County Board of Supervisors on October 6, 2015

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

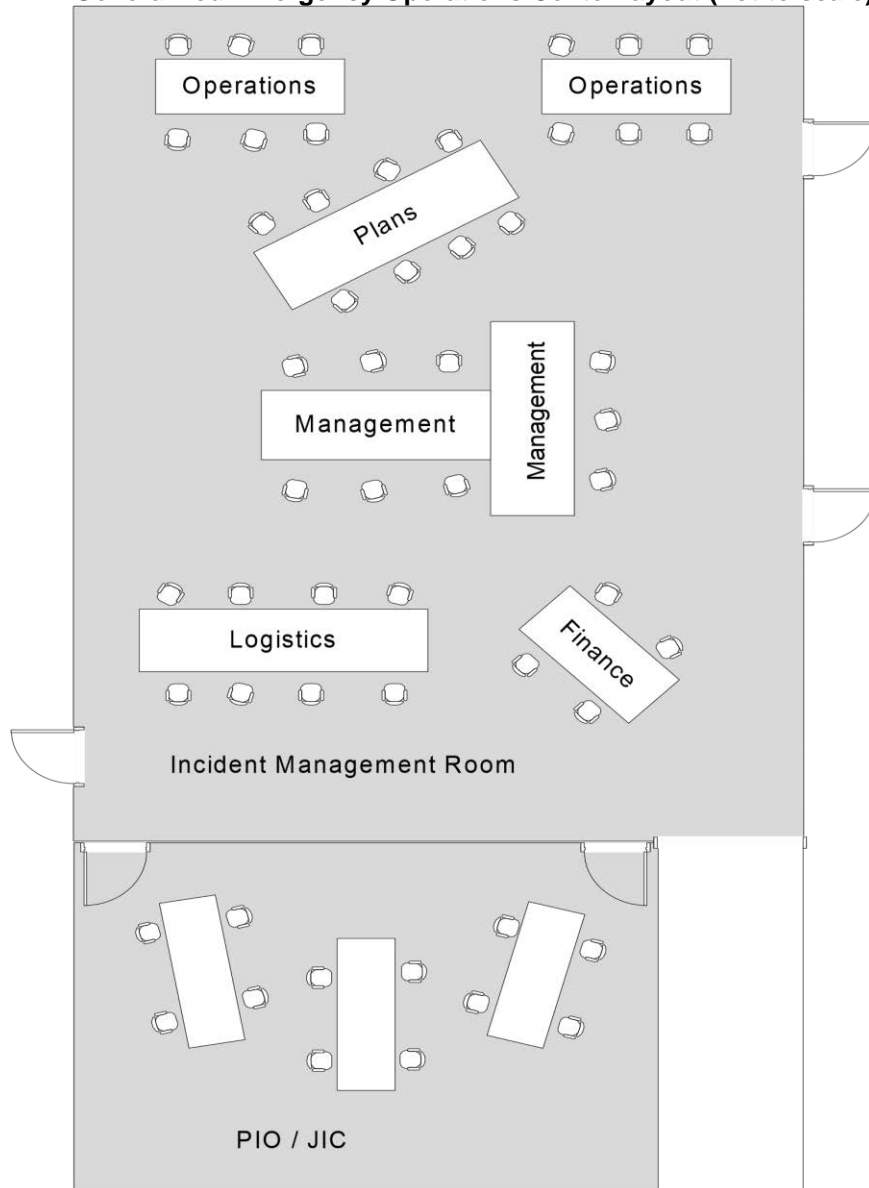
Keeping the public informed is a major function of the Office of Emergency Management (OEM) staff at the EOC, located at 4408 Cathedral Oaks Road in Santa Barbara. Emergency 911 calls can be connected to the EOC. Reverse 911 calling can be engaged and staff are in the process of implementing the use 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>

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	Note 3: All side-ties without power and water are \$7.35 per foot per month (length of boat).
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 4: Fisherman's floats are \$4.90 per foot per month.
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	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'
28	9.05	31	\$ 280.55	\$ 561.10	\$ 12,400.00	\$ 13,241.65	
30	9.25	30	\$ 277.50	\$ 555.00	\$ 12,000.00	\$ 12,832.50	Live-aboard \$140.00 T/C Live-aboard 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	Note: All slips over 70' will need to be calculated individually when determining transfer fees and security deposits
30	9.25	33	\$ 305.25	\$ 610.50	\$ 13,200.00	\$ 14,115.75	
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	
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	
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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