

CONTINUITY REPORT

INTRODUCTION

The power of the Grand Jury rests in its final report(s); however, the Grand Jury has no enforcement powers. A former presiding judge stated, “You, the Grand Jury, can only shed a bright light on the issue.” The Grand Jury’s governmental oversight role can only be effective through consistent follow-up.

The Grand Jury reports contain findings and recommendations pertaining to county government, city governments, joint powers agencies, or any other appropriate subject. (*PC §925 et seq. & §933 et seq.*). Each Grand Jury report may require responses to its findings and recommendations from government agencies. Therefore, subsequent Grand Juries diligently review all the agencies’ responses from the preceding year for their adequacy. The current Grand Jury follows up with the agencies to ensure agreed upon actions are implemented. This follow-up is the only way the Grand Jury’s legacy of improved service to the public is carried out.

AUTHORITY

California Penal Code Sections 933 and 933.03 prescribe responses to findings and recommendations. The Penal Code directs agencies to report whether a recommendation has been implemented, will be implemented, requires further analysis, or will not be implemented. An agency must provide an explanation if it rejects a Grand Jury recommendation. The Grand Jury posts all of its reports and each agency’s responses on the Grand Jury website (http://slocourts.net/grand_jury) each year.¹

¹ 2015–2016 San Luis Obispo County Grand Jury Final Report
Report Submitted July 12, 2016

NARRATIVE

The 2014–2015 Grand Jury issued 11 reports of which 7 were investigative reports with recommendations requiring agency responses and 4 reports were informational with no required responses. The 2015–2016 San Luis Obispo (SLO) County Grand Jury collected and reviewed the follow-up data for all the reports requiring responses.

SUMMARY OF REQUIRED RESPONSES TO RECOMMENDATIONS

One goal of a Grand Jury’s investigation is to call attention to the practices and procedures of local government. If a report is issued based on an investigation, it may request that issues be addressed and/or corrected. The required responses to last year’s Grand Jury reports are summarized below by investigation and responding agency.

REPORTS AND REQUIRED RESPONSES

Report No.	Page No.	Report Title	Organizations With Required Responses	Responses		Suggested Follow-up
				Required	Adequate	
1	5	In a State of Emergency?	Cambria Community Service District (CCSD)	4	4	0
		Assessing Fire Risk in Cambria	SLO County Board of Supervisors	1	1	0
2	7	Making the Case for Efficiency:	Cambria Community Service District (CCSD)	6	6	3
		Maximizing Emergency Services in Cambria	Cambria Community Health District (CCHD)	4	4	3
3	9	Morro Bay Municipal Code Enforcement: Band-Aid or Process?	Mayor of Morro Bay	4	4	2
4	10	Working or Not: Challenges in Enforcing Coastal Vacation Rental Regulations	SLO County Board of Supervisors	7	7	2
			SLO County Planning and Building Department	5	5	1
			SLO County Auditor, Controller, Treasurer, and Tax Collector	3	3	1
5	13	We Are Waiting: Access to County Provided Mental Health Services	SLO County Board of Supervisors	7	7	0
			SLO County Health Agency	8	8	0
6	16	San Luis Obispo County Juvenile Hall, Jail, and Allied Agencies Inspection	SLO County Sheriff's Department	1	1	0

REPORTS AND REQUIRED RESPONSES

Report No.	Page No.	Report Title	Organizations With Required Responses	Responses		Suggested Follow-up
				Required	Adequate	
7	17	Energy Used, Time Lost, Results Missing	SLO County Board of Supervisors	3	3	1
			SLO County Administrator	4	4	2
8	19	Homeless Donation Meters – Making Change Count	Informational investigation	N/A	N/A	0
9	20	California Men’s Colony Inspection Report	California Men’s Colony; No required responses but eight recommendations	N/A	N/A	1
10	22	School Shootings – School Violence Prevention - Preparation – Response	Informational investigation	N/A	N/A	0
			TOTALS:	57	57	16

The 2015–2016 Grand Jury reviewed the required responses and, although all were adequate, some required further action and implementation and are noted as “suggested follow-up.” Future Grand Juries should inquire into these to insure they have been completed. The details of each report’s recommendations are contained in Appendix A of this report.

The 2015–2016 Grand Jury thanks and commends the responding agencies for their timely and positive responses to the concerns of the Grand Jury.

APPENDIX A - REPORTS

REPORT 1 – *In a State of Emergency: Assessing Fire Risk in Cambria*

The recommendations requiring responses:

- 1) The Cambria Community Service District (CCSD) should request that a local emergency be declared regarding the fire risk and forward it to the San Luis Obispo Board of Supervisors for ratification;

RESPONSES:

- a. Cambria Community Services District: Agrees. The CCSD board declared a local emergency at their meeting on March 26, 2015.
- b. San Luis Obispo County Board of Supervisors: Agrees.

- 2) If the Cambria Community Services District fails to request a local emergency, the San Luis Obispo County Board of Supervisors should do so on its own.

RESPONSE: No response needed.

- 3) The Cambria Community Services District should take additional action to raise public awareness locally and with relevant county, state, and federal emergency management agencies. Such actions might include conducting community drills, conducting a new campaign for reverse 911 sign-ups for mobile phones, and mailing the wildfire evacuation plan to residents.

RESPONSE:

Cambria Community Services District: Agree. The CCSD web page was updated with information about community programs and local fire safety organizations and activities.

- 4) The Cambria Community Services District should obtain funding to improve forest management.

RESPONSE:

Cambria Community Services District: Agree. Cambria received a \$498,000 Fire Safe Council grant for fire hazard reduction.

- 5) The Cambria Community Services District should use the funding to:
- a. Improve existing fuel breaks,
 - b. Expand fuel break program,
 - c. Remove dead and dying trees, and
 - d. Remove other fire hazards such as ladder fuels and other flammable materials.

RESPONSE:

Cambria Community Services District: Agrees. CCSD will be using the funding for all of the above programs.

REPORT 2 – Making the Case for Efficiency: Maximizing Emergency Services in Cambria

The recommendations requiring responses:

- 1) The Cambria Community Services District should, with community input, develop, adopt, and implement a strategic plan that addresses a multi-year approach to fire suppression and emergency services.

RESPONSE:

Cambria Community Services District: Agrees. The CCSD has developed a multi-year plan and is in the process of implementing the strategy.

- 2) CCSD should request CalFire make a presentation regarding contracting for fire suppression in Cambria and obtain community input.

RESPONSE:

Cambria Community Services District: Agrees. CalFire has made two presentations.

- 3) CCSD and Cambria Community Healthcare District (CCHD) should reactivate their ad hoc committee to integrate and coordinate activities and obtain community support.

RESPONSES:

Cambria Community Services District and the Cambria Community Healthcare District: Both districts agree. The districts have reactivated their ad hoc committee.

- 4) CCSD and CCHD should implement the combined organizational structure that most effectively reduces administrative costs and improves services.

RESPONSES:

- a. Cambria Community Services District: Agrees. The CCSD will implement development of a combined organizational structure with CCHD once the legal restrictions are resolved.

FOLLOW-UP: Follow-up suggested to determine status of legal issues and, if resolved, has the restructuring taken place?

b. Cambria Community Healthcare District: Agrees. This recommendation requires a minimum of six months analysis to determine if this is feasible.

FOLLOW-UP: CCHD feasibility determination should be completed.

5) The CCSD and CCHD should set in place funding approaches, including reserves, to update or replace fire and emergency equipment.

RESPONSES: Both districts agree but neither recommendation has yet been implemented.

FOLLOW-UP: Recommend following up with both districts to determine progress.

6) The CCSD and CCHD should determine how best to utilize firefighters and emergency medical service personnel within a common management organization.

RESPONSES: Both districts agree but neither recommendation has yet been implemented.

FOLLOW-UP: Recommend following up with both districts to determine progress.

REPORT 3 - *Morro Bay Municipal Code Enforcement: Band-Aid or Process?*

The recommendations requiring responses:

- 1) Establish a proactive managed code enforcement process.

RESPONSE: Mayor of Morro Bay: Agrees. Morro Bay has implemented the recommendation.

- 2) Fund and hire a full-time municipal code enforcement officer.

RESPONSE: Mayor of Morro Bay: Agrees. Morro Bay has implemented the recommendation and hired two enforcement officers.

- 3) Acquire, install and use a municipal code management software package to track all code violation complaints.

RESPONSE: Mayor of Morro Bay: Agrees. Morro Bay has adopted a budget to fund the process, staffing, and required software but the actual purchase and installation of the software has not taken place.

FOLLOW-UP: Determine if the purchase of "...a municipal code management software package..." has been made and if it has been installed and implemented.

- 4) Train staff on use of the new system.

RESPONSE: Mayor of Morro Bay: Agrees. Staff will develop a code enforcement system and process and will train staff when system is implemented.

FOLLOW-UP: Determine if training of staff has been completed.

REPORT 4 – Working or Not: Challenges in Enforcing Coastal Vacation Rental Regulations

The recommendations requiring responses:

- 1) The Board of Supervisors should provide direction and funding to place higher priority on enforcing coastal vacation rental regulations.

RESPONSE: The Board of Supervisors: Disagrees. This recommendation will not be implemented as they do not consider it warranted or reasonable.

- 2) To better support the complaint process, the County should implement a way for residents to identify the appropriate property manager for a vacation rental. This could be to require an annual notification to neighbors by the property manager or having the county maintain a public online listing of vacation rental contacts.

RESPONSES: San Luis Obispo County Board of Supervisors and the Department of Planning and Building: Disagrees. Both agencies state they will not implement this recommendation as they do not consider it warranted or reasonable.

- 3) The Tax Collector should set a level of revenue to be generated over a set time period (e.g., 2 to 3 years) in order to retain a transient occupancy tax certificate.

RESPONSES:

San Luis Obispo County Board of Supervisors and the Office of the Auditor, Controller, Treasurer and Tax Collector (ACTTC): Both agencies disagree. Both agencies state they will not implement this recommendation as they do not consider it warranted or reasonable.

- 4) The Tax Collector and the Planning Department should develop and implement a process to deal with the issues of unlicensed vacation rentals and unused or minimally used transient occupancy tax certificates.

RESPONSES:

- a. San Luis Obispo County Board of Supervisors: Agrees in part.
The Board of Supervisors has implemented the recommendation dealing with “unlicensed vacation rentals.” The recommendation dealing with “unused or minimally used transient occupancy tax (TOT) certificates” will not be implemented.
- b. San Luis Obispo County Department of Planning and Building: Agrees in part:
The Planning Department states this recommendation has been partially implemented. When a complaint is received, a code enforcement case is opened.
- c. San Luis Obispo County Office of the Auditor, Controller, Treasurer And Tax Collector: Agrees in part.
The ACTTC will partially implement the TOT portion of this recommendation contingent on the passage of pending legislation.

- 5) The Planning Department should enforce the requirement to list transient occupancy tax certificate numbers on advertised vacation rental listings.

RESPONSES:

- a. San Luis Obispo County Board of Supervisors: Agrees. This recommendation has been implemented.
- b. Department of Planning and Building: Agrees.
This recommendation has been implemented.

- 6) The Building and Planning Department should create and post on its website a list of licensed vacation rentals by address so concerned individuals can confirm whether a given property is a licensed vacation rental.

RESPONSES:

- a. San Luis Obispo County Board of Supervisors and SLO County Building and Planning Department: Agree. This recommendation has not yet been implemented. Full implementation is estimated to be completed by July 1, 2017.

FOLLOW-UP: Follow up needed to determine if recommendation has been implemented.-

- 7) The Building and Planning Department should determine and fund a way to monitor whether advertised vacation rentals are properly licensed, thus ensuring collection of related taxes and fees, which can more than cover these costs.

RESPONSES: San Luis Obispo County Board of Supervisors and the San Luis Obispo County Department of Planning and Building: Both disagree.

FOLLOW-UP ON REPORT 4: The entities initially disagreed with many of the recommendation in this report as they were deemed not warranted or reasonable. In summary, after the failure of SB593 to pass the State Senate, a new bill (SB1102) was recently introduced in the State Legislature to address the same issues as SB593. However, due to statewide interest, this issue has prompted the development of SB1102 which is currently pending. The County is waiting on the resolution of this legislation prior to taking any action. All of the previous Grand Jury's recommendations on this issue should be revisited. We strongly encourage the 2016-2017 Grand Jury follow up to determine progress.

REPORT 5 – *We Are Waiting: Access to County Provided Mental Health Services*

The recommendations requiring responses:

- 1) List one toll-free number for hotline access to all mental health services on the county website.

RESPONSES: San Luis Obispo County Health Agency: Partially agrees. Rather than consolidating both phone numbers into one number, the SLO County Health Agency (CHA) has redesigned and clarified its website so that the suicide hotline is more identifiable.

- 2) Establish a system to allow both the county and Transition Mental Health Association staff and volunteers to schedule appointments while maintaining Health Insurance Portability and Accountability Act (HIPAA) confidentiality requirements.

RESPONSES: San Luis Obispo County Board of Supervisors and the County Health Agency: Both agencies disagree. The recommendation will not be implemented because it is contrary to HIPAA confidentiality requirements

- 3) If a solution is not developed to allow Transition Mental Health Association’s volunteers to make the appointment, the county should contact the caller within the next business day to schedule.

RESPONSE: Agree. This recommendation has been implemented.

- 4) Reconfigure the juvenile entrance to the Public Health Facility (PHF) so that adult patients do not need to be cleared when a juvenile is admitted. Alternatively, separate the juvenile population to a separate site away from the adult population of the PHF.

RESPONSES:

- a. San Luis Obispo County Board of Supervisors: Disagrees. This recommendation will not be implemented because is not warranted based on the CHA’s recommendation.
- b. San Luis Obispo County Health Agency: Disagrees. This recommendation will not be implemented because the SLO County Health Agency believes that the current process is adequate and that the recommendation is not feasible.

- 5) A Crisis Stabilization Unit should be established to handle those in crisis for up to 23 hours, which would alleviate some of the capacity pressure at the PHF and save the county money if diversion from the PHF is achieved.

RESPONSES: San Luis Obispo County Board of Supervisors and the County Health Agency: Both disagree. This recommendation will not be implemented because it is too costly.

- 6) To decrease wait time for patients and potentially handle greater caseloads, the county should increase psychiatric support staff, such as psychiatric nurse practitioners, physician assistants and therapists.

RESPONSES: San Luis Obispo County Board of Supervisors and the County Health Agency: Both agencies agree and state that this recommendation will be implemented in the future.

- 7) If psychiatric positions continue to be difficult to staff, the county should implement options to improve recruitment such as 1) student loan repayment programs and 2) use of telepsychiatry.

RESPONSES:

- a. San Luis Obispo County Board of Supervisors and the County Health Agency:

- 1) Both agencies agree: The student loan repayment programs have been implemented.
- 2) Both agencies disagree: Telepsychiatry will not be implemented because the CHA now has adequate in-house staff.

- 8) The County, whether by clinic staff, interns, temporary or part-time employees, should institute contact with those clients awaiting appointments to decrease the number of no-shows who prevent the scheduling of another client. This could also determine if the severity of the individual's condition has improved/stabilized/worsened and if the client has transportation.

RESPONSES:

a. San Luis Obispo Board of Supervisors and the SLO County Health Agency

Both agencies partially agree: The CHA is now confirming appointments with clients, but the determination of the individual's condition will not be implemented because of confidentiality issues.

REPORT 6 – *San Luis Obispo County Juvenile Hall, Jail, and Allied Agencies Inspection*

The recommendations requiring responses:

- 1) The Sheriff's Department should hire a third, full-time forensic specialist in the Crime Lab to provide additional support and long-term capability for personnel replacement.

RESPONSE: Agrees. The Sheriff agrees but the recommendation will not be implemented in the near future because of its low priority in the budget allocation.

REPORT 7 – Energy Used, Time Lost, Results Missing

The recommendations requiring responses:

- 1) The Board of Supervisors should allocate sufficient funds to implement the EnergyWise Plan (EWP) ensuring the planned reduction in energy usage by County facilities as outlined in the EWP is realized within the set timeframe.

RESPONSE: Agrees. The County has approved \$1.5 million in its 2016-17 budget to finance projects recommended from the County energy and water audits.

- 2) County Administration should make staff available to complete implementation of the EWP within the established timeframe.

RESPONSE: Agrees. The County has included in the FY 2016-17 Proposed Budget the addition of 1.00 FTE Senior Planner (EnergyWise Plan Coordinator) position to support in the implementation of the EWP.

FOLLOW-UP: The 2016-2017 Grand Jury is encouraged to follow up on this recommendation to determine if it has been implemented.

- 3) County Administration should make the data produced by the Investment Grade Assessments (IGAs) and Facility Condition Assessments (FCAs) available for action by the Board of Supervisors within 60 days of receipt of such data.

RESPONSES: San Luis Obispo County Board of Supervisors and the County Administrator: Both agree. The recommendation has been implemented.

- 4) The Board of Supervisors should fund the purchase of and training for utility usage and billing software capable of providing the data necessary for effective implementation of the EWP.

RESPONSES: San Luis Obispo County Board of Supervisors and the County Administrator: Both agree. The recommendation will be implemented in the near future.

FOLLOW-UP: The 2016-2017 Grand Jury is encouraged to follow up on this recommendation to determine if it has been implemented.

5) County Administration should complete the required biennial review and updates of the EWP.

RESPONSE: Agrees. Review and updates have been completed.

REPORT 8 – *Homeless Donation Meters- Making Change Count*

No required responses as this was an Informational Investigation.

REPORT 9 – *California Men’s Colony Inspection Report*

The 2014–2015 Grand Jury inspected the California Men’s Colony (CMC) and made a number of recommendations. While State law mandates the Grand Jury inspect the prison, there is no duty for the prison to respond.

- 1) CMC should bring their chapels into compliance with current state building codes (*California Code of Regulations Title 24*).

RESPONSE: No response required.

- 2) The chaplains should report to an associate warden.

RESPONSE: Although no response was required, CMC agrees. The Chaplain's supervisor, the Community Resource Manager, now reports directly to the Warden and indirect oversight will be monitored by the Office of Policy Standardization.

- 3) CMC should restore the expense allowance formerly provided to the chaplains; at least to the prior level of \$10,000 annually.

RESPONSE: Although no response was required, CMC provided the following: “The allotment was never provided by the State of California but rather distributed by individual institutions from their general fund. In other words, there was never a line item in the budget for the expense support of religious chaplains. In recent years, the number of legally recognized religions has grown tremendously. As such, individual institutions can no longer afford to provide expense allotments for the chaplains; the cost would be extensive since equal allotments to all religions must be provided. This is beyond the fiscal ability of CMC and although it was beneficial to be able to provide the chaplains with allotments in the past, even though not required, it can no longer be done. The termination of a non-mandated benefit the institution was once fortunate to be able to provide but can no longer sustain should not be counted as a negative mark against CMC. To do so would greatly discourage future considerations of benefits that are not specifically required because of the possibility that should the generosity no longer be feasible, it would be a mark against us.”

- 4) CMC should accelerate the implementation of the Paws For Life program.

RESPONSE: Although no response was required, CMC agrees. Paws For Life found it financially unfeasible to continue their partnership. CMC is working with a local San Luis Obispo organization to initiate a similar program.

- 5) CMC should ensure an acceptable and accessible General Education Diploma (GED) test is available to inmates.

RESPONSE: During the 2015–2016 Grand Jury tour of CMC, it was learned that the GED test is now 100% computerized. All pretesting and GED testing is computerized for inmate access if the inmate meets the minimum standards set by the Office of Continuing Education. However, many of the inmates were not computer literate. A basic computer training program is now available for inmates so they can prepare for the new GED format.

- 6) CMC and the Prison Industry Authority (PIA) located at the Corcoran State Prison should redesign the distribution system for bread to ensure fresh and mold-free bread is delivered to inmates.

RESPONSE: Although no response was required, CMC agrees. The prisons bread is received via a contract with Corcoran PIA. The current Grand Jury was informed that this was brought to the attention of the PIA at Corcoran last year and that measures were taken to correct this situation.

FOLLOW-UP: The 2015–2016 Grand Jury again found moldy bread at this year's luncheon. The Grand Jury suggests that the following year's Grand Jury follow up with this issue.

**REPORT 10 – *School Shootings – School Violence Prevention – Preparation -
Response***

No required responses.