



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: CEO  
Department No.: 012  
For Agenda Of: September 3, 2013  
Placement: Departmental  
Estimated Tme: 30 minutes  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors

**FROM:** Department Chandra L. Wallar, County Executive Officer, 568.3400 *Ckl*  
Director(s)  
Contact Info: Dennis Bozanich, Assistant to the CEO, 568-3400

**SUBJECT:** Responses to 2012 - 2013 Grand Jury Reports

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- A. Consider and adopt responses in Attachment A as the Board of Supervisors' responses to the Grand Jury report entitled *Sheriff-Coroner's Bureau: The Manner of Death-A Final Diagnosis*,
- B. Consider and adopt responses in Attachment B as the Board of Supervisors' responses to the Grand Jury report entitled *Law Enforcement and Detention Facilities Report*,
- C. Consider and adopt responses in Attachment C as the Board of Supervisors' responses to the Grand Jury report entitled *Taxing Oil: Tapping into Santa Barbara County's Natural Wealth*, and
- D. Authorize the Chair to sign the letters included as Attachments A, B and C and forwarding the responses to the Presiding Judge.

**Summary Text:**

In late June, the Santa Barbara County Grand Jury published three reports which require Board of Supervisor responses. The Board will be able to consider each of the three proposed responses, adopt their preferred responses and authorize the Board Chair to sign each of the response letters. The Board is required to respond in writing to the Presiding Judge of the Superior Court by September 20, 2013.

**Background:**

***Sheriff-Coroner's Bureau: The Manner of Death-A Final Diagnosis***

On June 21, 2013, the Civil Grand Jury released a report entitled *Sheriff-Coroner's Bureau: The Manner of Death-A Final Diagnosis* which investigated the daily work of the Santa Barbara County Sheriff-Coroner's Bureau. The Jury concluded that the Bureau is in compliance with laws directing its operations, but the Bureau's physical facility is in need of significant improvements. The Grand Jury recommends that the Board of Supervisors consider a strategic plan to develop an accredited medical examiners department and an industry-standard facility capable of receiving accreditation from the National Association of Medical Examiners. The Board of Supervisors is named as a responder to Findings 3a, 3b, and 12, as well as, Recommendations 3a, 3b, and 12. The Sheriff's Department was asked to respond to these same Findings and Recommendations as well as others. Goleta Sanitary District was asked to respond to one finding.

It is recommended that the Board inform, in writing (Attachment A), the Presiding Judge that they "partially disagree" with Finding 3a and 3b; and agree with Finding 12. Additionally, it is suggested that the Board consider whether Recommendations 3a will be implemented in the next eight weeks and Recommendation 3b would "require further analysis" as a result of the mechanical engineering firms report. Finally, the Board may consider responding that Recommendation 12 will not be implemented because it is not warranted or reasonable. The specific recommendations and additional details are provided in the letter to the Presiding Judge. (Attachment A) The full report from the Civil Grand Jury can be found at Attachment A-1. The Sheriff Department's response to the Presiding Judge is available for reference as Attachment A-2.

***Law Enforcement and Detention Facilities Report***

On June 21, 2013, the Santa Barbara County Civil Grand released a report on their inspection of the jail, detention and coroners facilities within the county. The Grand Jury concluded that the County's law enforcement and detention facilities are staffed with professional and dedicated personnel. The Grand Jury has asked the Board of Supervisors to respond to three findings and one recommendation on the Santa Barbara Court Holding Facility on Figueroa Street.

It is recommended that the Board inform, in writing (Attachment B), the Presiding Judge that they agree with Findings 2a, 2b and 2c about the inadequate number of cells at the Court Holding Facility and the consequences for detainees and deputies. Further, the Grand Jury recommended (Recommendation 2) that the Board support all efforts to address the potential hazards at the Santa Barbara Court Holding Facility. It is suggested that the Board of Supervisors inform the Presiding Judge that this recommendation has been implemented. Additionally, staff will track future Judicial Council and state budget discussions and advocate for the Figueroa Criminal Court reconstruction project.

The specific recommendations and additional details are provided in the letter to the Presiding Judge. (Attachment B) The full report from the Civil Grand Jury can be found at Attachment B-1. The Sheriff Department's response to the Presiding Judge is available for reference as Attachment B-2.

***Taxing Oil: Tapping into Santa Barbara County's Natural Wealth***

On June 25, 2013, the 2012-2013 Grand Jury reported on its inquiry into the various types of taxes that other jurisdictions levy on oil production as a new and ongoing source of County revenue to meet its financial responsibilities. Before proposing responses to the Grand Jury's Report, *Taxing Oil: Tapping into Santa Barbara County's Natural Wealth*, it is important to note that the responses will be from the

entire Board of Supervisors, not each individual Supervisor as requested on Page 9 of Attachment C. Penal Code 933 (c) states:

“No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body . . .”  
(highlighting and underlining added by staff)

It is recommended that the Board inform, in writing (Attachment C), the Presiding Judge that they agree with Findings 1, 3 and 4. It's further recommended that the Board partially disagree with Finding 2 since the Board adopted a balanced FY 2013-2014 budget. The Board may choose to determine that Recommendation 1 “has been implemented” when a motion was made on February 14, 2012 to direct staff to prepare and place on the November, 2012 ballot, a measure asking the voters of Santa Barbara County to approve a General Tax on oil production based on the well head tax methodology as reflected in the County Executive Office staff presentation dated February 14, 2012. That motion received a 3-2 vote. The placement of a general tax on a ballot requires a 4/5 vote of the Board of Supervisors therefore the general tax on oil production was not put on the ballot.

The specific recommendations and additional details are provided in the letter to the Presiding Judge. (Attachment C) The full report from the Civil Grand Jury can be found at Attachment C-1.

#### **Fiscal and Facilities Impacts:**

Not Currently Budgeted:

##### ***Sheriff-Coroner's Bureau: The Manner of Death-A Final Diagnosis***

The cost of the assessment by a mechanical engineer is estimated to be \$10,000 and it does not have a funding source. The cost of any required ventilation system repairs does not have a current estimate or funding source.

Full accreditation by the National Association of Medical Examiners would be \$7,500 over the five year accreditation term. This fiscal impact does not include the staff time required to conduct the self-study prior to the accreditation visit.

##### ***Law Enforcement and Detention Facilities Report***

No known costs at this time.

##### ***Taxing Oil: Tapping into Santa Barbara County's Natural Wealth***

If the Board took some future action that successfully placed an oil production tax on the ballot in 2014, staff had previously estimated the costs to be between \$62,000 and \$108, 000.

#### **Attachments:**

##### ***Sheriff-Coroner's Bureau: The Manner of Death-A Final Diagnosis***

A- Response to the Grand Jury report *Sheriff-Coroner's Bureau: The Manner of Death-A Final Diagnosis*

A-1 - Grand Jury Report – *Sheriff-Coroner's Bureau: The Manner of Death-A Final Diagnosis*

A-2 - Sheriff's Department response to *Sheriff-Coroner's Bureau: The Manner of Death-A Final Diagnosis*

***Law Enforcement and Detention Facilities Report***

B- Response to the Grand Jury report *Law Enforcement and Detention Facilities Report*

B-1 - Grand Jury Report – *Law Enforcement and Detention Facilities Report*

B-2 - Sheriff's Department response to *Law Enforcement and Detention Facilities Report*

***Taxing Oil: Tapping into Santa Barbara County's Natural Wealth***

C- Response to the Grand Jury report *Taxing Oil: Tapping into Santa Barbara County's Natural Wealth*

C-1 - Grand Jury Report – *Taxing Oil: Tapping into Santa Barbara County's Natural Wealth*

**Authored by:**

Dennis Bozanich, Assistant to the County Executive Officer

**CC:**

Sheriff Bill Brown