

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



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

**Agenda Number:**  
**Prepared on:** 8/18/03  
**Department Name:** County Administrator  
**Department No.:** 012  
**Agenda Date:** 9/2/03  
**Placement:** Departmental  
**Estimate Time:** 30 min  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Michael F. Brown  
County Administrator

**STAFF CONTACT:** James Laponis, Deputy County Administrator, 568-3404  
Jason Stilwell, Project Manager, 568-3413

**SUBJECT:** Board of Supervisors' Response to the 2002-2003 Grand Jury Report on "Casmalia"

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**Recommendation(s):**

That the Board of Supervisors:

- A. Consider adopting the recommended responses contained in Attachment A as the Board's responses to the 2002-2003 Grand Jury Report on "Casmalia," and
- B. Authorize the Chair to sign the attached transmittal letter (Attachment A) to Clifford R. Anderson, Presiding Judge of the Superior Court, transmitting the adopted responses to the Grand Jury Report.

**Alignment with Board Strategic Plan:**

This recommendation is primarily aligned with Goal #4: A Community that is Economically Vital and Sustainable.

**Executive Summary and Discussion:**

The Grand Jury Report contains three findings and recommendations and was released on June 16, 2003. In accordance with Section 933(b), the governing body of the agency (Board of Supervisors) must respond within 90 days after issuance of the Grand Jury Report. Consequently, the Board of Supervisors' response must be finalized and transmitted to the Presiding Judge of the Superior Court no later than Friday, September 12, 2003.

The Report requires responses from the Board of Supervisors, the County Public Works Department (Attachment C), Casmalia Community Services District, and Local Agency Formation Commission.

**Mandates and Service Levels:**

California Penal Code Section 933(c) requires that comments to Grand Jury Findings and Recommendations be made in writing. These comments, in themselves, do not change existing programs or service levels.

**Fiscal and Facilities Impacts:**

None from the recommended action.

**Special Instructions:**

This response of the Board of Supervisors must be transmitted to the Presiding Judge of the Superior Court no later than Friday, September 12, 2003. Please return the signed letter, which includes the written response, to Jennie Esquer, County Administrator's Office, for distribution to the Superior Court. The signed letter, written response, and a 3 ½ inch computer disk containing the response in a Microsoft Word file must be forwarded to the Grand Jury.

cc: Phil Demery, Director of Public Works  
Stephen Shane Stark, County Counsel  
Bob Braitman, LAFCO Executive Officer  
Casmalia Community Services District

**Attachments:**

- A) Letter of Transmittal to Clifford R. Anderson, Presiding Judge
- B) Grand Jury Report titled "Casmalia"
- C) Public Works Response

September 2, 2003

Honorable Clifford R. Anderson, III  
Presiding Judge  
Santa Barbara County Superior Court  
PO Box 21107  
Santa Barbara CA 93121-1107

Foreperson  
County Grand Jury  
1100 Anacapa Street  
Santa Barbara CA 93106

Board of Supervisor's Response to the 2002-2003 Grand Jury Report on "Casmalia"

Dear Judge Anderson and Grand Jury Members:

During its regular meeting on September 2, 2003 the Board of Supervisors adopted the following response to the findings and recommendations in the 2002-2003 Grand Jury Report on "Casmalia."

***Finding 1: If Casmite legally discontinues operations of the well and infrastructure, a new water system would be needed.***

**Response to Finding 1:** Partially Agree. The current "water system" is composed of various water rights, facilities, and infrastructure. A method of providing water to Casmalia residents would have to be established if Casmite discontinues operations of the well and infrastructure. However, it would not necessarily need to be a *new* water system.

***Recommendation 1: The CCSD should meet with LAFCO and the Board of Supervisors and consider dissolving the CCSD and establishing a County Service Area. The District should gain a clear understanding of the service(s) specifically required by the community and should be fully cognizant of all incurred costs, funding sources and methods of financing.***

**Response to Recommendation 1:** Although the Board of Supervisors is not directed to take an action, the Board directs staff to maintain communication with the CCSD and to be available to meet with the CCSD if they so request.

***Finding 2: The water system is in a severely deteriorated state and demands immediate attention.***

**Response to Finding 2:** The County assumes the finding is correct but has no direct information about the state of CCSD's water system infrastructure.

***Recommendation 2: The CCSD should begin an immediate inspection of the water system, identify the most pressing problems, and make a priority list of what must be fixed. Decide who has maintenance responsibility for each area and begin repairs.***

**Response to Recommendation 2:** This recommendation does not ask the Board of Supervisors to take an action. However, the Board of Supervisors directs staff to be available to meet and confer with the CCSD if they so request and to assist the CCSD if they so request with their efforts of addressing this recommended action.

***Finding 3: From inception, the Lompoc Casmalia Road has been an administrative quagmire. If the government agencies involved would have attacked and fixed the problem immediately, it would have cost very little in time and resources. However, the problem is now so severe it is insurmountable!***

**Response to Finding 3:** The Board adopts Public Works' response (copy attached) of "partially disagree" as the Board of Supervisors' response.

***Recommendation 3: Make the temporary barriers permanent and inform the general public of the final status.***

**Response to Recommendation 3:** This recommendation of making the temporary barriers permanent has been implemented and a means of informing the general public is being developed (see copy of Public Works' response attached).

The Board would like to thank the Grand Jury for its Report on "Casmalia."

Sincerely,

Naomi Schwartz, Chair  
Board of Supervisors

Attachment – Santa Barbara County Public Works Department response

August 22, 2003

Honorable Clifford R. Anderson, III  
Presiding Judge  
Santa Barbara County Superior Court  
PO Box 21107  
Santa Barbara, CA 93121-1107

**RE: RESPONSE TO GRAND JURY REPORT – CASMALIA**

The Grand Jury requested the Public Works Department respond to finding 3 of the subject report.

Grand Jury Finding 3: From inception, the Lompoc Casmalia Road has been an administrative quagmire. If the government agencies involved would have attacked and fixed the problem immediately, it would have cost very little in time and resources. However, the problem is now so severe that is insurmountable!

**Public Works Response:** The Public Works Department partially disagrees with this finding. Jurisdictional authorities are quite clear. Lompoc Casmalia Road is a county maintained road that traverses a portion of Vandenberg Air Force Base. The road includes a bridge that crosses San Antonio Creek. Although the creek is located on federal land, VAFB officials historically requested the assistance of the Santa Barbara County Flood Control District personnel to maintain the creek, as that section of the creek is on Federal Land and outside the District's Boundary. It was not until 1983, when the traditional maintenance of the creek and road forever changed. In 1983, the unarmored three spine stickleback was listed by the federal government as an endangered species and Base personnel working for the US Fish and Wildlife Service discovered the small endangered fish in this portion of San Antonio Creek. No longer was the Flood Control District asked to maintain the creek on federal land. Without creek maintenance, vegetation quickly became overgrown serving as a backstop for any sediment transported from upstream agricultural lands. The sediment has accumulated to such a degree that within just a few years the bottom of the creek matched the top of the bridge. The creek can no longer convey water under the bridge causing both water and sediment to spill onto the road in relatively minor storm events.

The Public Works Department has spent years working with local, State and Federal elected officials to resolve the flooding issues and to find a permanent fix for the Lompoc Casmalia Road Bridge. The most cost-effective solution involved clearing the creek channel to allow water to flow once again under the bridge. The U.S. Army Corps of Engineers (Corps), having regulatory jurisdiction, determined that there was a least

damaging environmental alternative to that of clearing the creek, that being using San Antonio Road as a detour. As such, it has been the Corps opinion that the regulations preclude the issuance of a permit to clear the creek. Without permitted ability to clear the creek, the Lompoc Casmalia Road remains closed for safety reasons.

Recommendation 3: Make the temporary barriers permanent and inform the general public of the final status.

**Public Works Response:** The recommendation has been implemented to make the temporary barriers permanent. The recommendation to notify the Public has not been implemented but will be after coordination with Vandenberg Air Force Base on the notification.

Sincerely,

A handwritten signature in black ink that reads "Phillip M. Demery". The signature is written in a cursive style with a large, looped initial "P".

Phillip M. Demery  
Director of Public Works