

July 23, 2002

Honorable Rodney Melville
Presiding Judge
Santa Barbara County Superior Court
312-C East Cook Street
Santa Maria, CA 93456-5369

Mary Anne Harrison
Grand Jury Foreperson
1100 Anacapa Street
Santa Barbara, CA 93101

**Board of Supervisors Response to the 2001-02 Grand Jury Response
on: "County Polarization"**

Dear Judge Melville and Grand Jury Foreperson Harrison:

The Board of Supervisors has adopted the following responses as its response to the findings and recommendations of the 2001-02 Grand Jury Report on "County Polarization." The Board thanks the Grand Jury for its report on the matter.

Finding 1: Polarization is a real issue to many County residents.

Response: Agree

Finding 2: The process of collecting signatures on a petition to divide the County has been initiated. This process may end with an election in 2003 or 2004 on whether to split Santa Barbara County.

Response: Agree in part. The election must be held on a statewide general or primary election date which would place the election in 2004.

Finding 3: The debate on the County split issue, as it goes forward, will tend to cause greater divisiveness, which can harm the community regardless of the outcome.

Response: Agree in part. Although the debate on the County split issue may cause greater divisiveness, it may also cause greater understanding of County programs and services as they exist in the northern and southern areas of the County.

Recommendation 1: The Grand Jury recommends the Board of Supervisors (BOS) fund an independent, non-partisan, Citizens' Commission on Polarization to identify the issues that have caused the polarization of Santa Barbara County and to develop ways to address those issues. The BOS should seek two or three individuals of stature who are held in high esteem by a broad cross-section of the County population. Possible candidates might be drawn from the education, business and judicial communities; retired political leaders, former Grand Jurors and appropriate non-residents of the County. Those selected must receive unanimous or near unanimous (four of five) approval of the BOS. These Commission leaders would then identify and select 12 to 15 additional Commissioners. The Commission would review and identify the polarizing factors and recommend to the BOS and County residents possible solutions.

The Commission should also explore the non-financial aspects of a split County, such as water resources, identity values, regional transportation, Coastal Commission relations and other issues it may deem significant.

Response: The recommendation will not be implemented at this time. Although the Board agrees that "County Polarization" is a critical issue and appreciates the Grand Jury's report on the matter, it does not believe that establishing and funding a Citizens' Commission on Polarization is at this time appropriate.

Civil dialogue which provides diverse, on-going, in-depth, cooperative communication on important community issues is fundamental and is occurring on numerous fronts. For instance, groups such as the Multi-Jurisdictional Solid Waste Task Force, the South Coast Cities/County Affordable Housing Task Force, the Gaviota Common Ground effort, the City Managers /County Administrator Group, the Strategic Planning Workshop held by the Board of Supervisors at St. Mark's Church in Los Olivos, as well as various countywide committees and commissions working on functional areas such as Drug and Alcohol, Mental Health, Parks, Children and Seniors, to name a few, are very active and productive. All of these groups are strong indications that although County polarization is real, there is much in common. Moreover, significant goals are often achieved only after the respectful airing of diverse points of view.

Finally, the formal statutory/electoral process to determine whether a specific County formation/split proposal will be placed before County voters has already commenced and is in the signature gathering phase.

recognizing that "County Polarization" regards more than is encompassed under the current County Formation/Split proposal, it is clear that the

Formation/Split matter involves the major portion of "Polarization" as defined by the Grand Jury.

If at least 25% of the registered voters in the proposed county sign a petition to place the formation/split proposal before the voters and the signatures are certified, a County Formation Review Commission will be appointed by the Governor and an election on the matter held within statutory timelines.

By law the Commission is to be comprised of five members: two from the proposed new county; two from the remaining portion of the existing county and one from outside the county. The Commission is charged with the responsibility for determining such matters as (§ 23332 of the California Government Code):

- Distribution of indebtedness between the proposed county and the affected county.
- The fiscal impact of the proposed county creation on the affected county.
- The economic viability of the proposed county.
- The final boundaries of the proposed county.
- A procedure for the orderly and timely transition of service functions and responsibilities from the affected county to the proposed county.
- The division of the proposed county into five supervisorial districts.
- The division of the proposed county into judicial, road, and school districts.
- The new county offices to be filled by election.
- The location of the county seat of the proposed county.
- The appropriations limit for the proposed county in accordance with Article XIII B § 4 of the California Constitution ("Gann limit").

The Commission is required to hold a hearing on any protests and objections to and support for the proposed county creation (§ 23336.) [There is no specified percentage of protests that would defeat county formation.] These

include requests for exclusion from or inclusion in the proposed county by owners of property contiguous to the proposed boundaries or registered electors. (§§ 23337, 23337.5, 23338.)

The Commission has 180 days from the date its last member is appointed to adopt a resolution making its determinations. It may extend the time to act by 180 days with the approval of the Governor. (§ 23341.) The Commission meets from time to time; the meetings are open and public as are other government agency meetings. State and county officials must cooperate with the Commission. (§ 23340.) The Commission must appoint a secretary, who serves as Commission staff (§ 23335.) It may use County Counsel as its legal counsel, or appoint a counsel to provide legal assistance (§ 23340.5)

If the proposed county is created, expenses of the Commission shall be borne by the new county. If it is not created, expenses are borne by the county as a whole. (§ 23343.) The Commission may borrow funds to meet its expenses until the costs have been determined. (§ 23344.)

The Commission's determinations "shall become the terms and conditions for creation of the proposed county." The Commission may impose additional terms and conditions it deems necessary to ensure an efficient and effective transition. If the proposed county is established, all terms and conditions are final and binding in the affected and the proposed county. (§ 23344.)

As indicated above, if sufficient signatures are obtained, a Commission will be formed and the County will be integrally involved in the Formation/Split process. This involvement will require significant monetary and staff resources as well as numerous Board hearings and determinations.

As indicated in this letter, there are numerous groups currently dialoging on a wide range of Countywide issues. Moreover, a formal County Formation/Split process has commenced. Therefore, following the Grand Jury's recommendation to expend yet additional resources on a separate "independent, non-partisan, Citizens' Commission on Polarization to identify the issues that have caused the polarization ... and to develop ways to address those issues," could be considered duplicative and might even be perceived as attempting to influence the County Formation statutory/electoral process potentially leading to further confusion and divisiveness.

If insufficient signatures are not gathered to proceed with the County Formation Commission, or if the County Formation/Split proposal fails at the ballot, the Board may wish to re-visit the concept contained in the Grand Jury's recommendation.

The Board appreciates the Grand Jury's work on this important matter.

Respectfully Submitted,

Gail Marshall
Chair, Board of Supervisors