

CITY OF SANTA MARIA
OFFICE OF THE MAYOR
AND CITY COUNCIL

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July 20, 2005

Honorable Judge Anderson
Superior Court
1100 Anacapa Street
Santa Barbara, CA 93101

RE: SANTA BARBARA COUNTY GRAND JURY REPORTS

The purpose of this letter is to transmit the City of Santa Maria's formal response to the five Santa Barbara County Grand Jury Reports regarding: *A Sobering Thought; An Ounce of Prevention; Times Are A-Changin'; The Child Not Yet Left Behind; and Detention Facilities*. As a public agency, the City must respond to the Grand Jury's Report within 90 days of receiving the interim reports, and if directed to elected officials, the Council must respond within 60 days. This letter is intended to satisfy that reporting requirement. However, because of the staggering receipt dates of these reports, and staggering due dates, staff felt it more efficient to respond back to these five Grand Jury's Reports all at one time.

The aforementioned Grand Jury Reports made numerous findings and recommendations. The following is the City's formal response:

RESPONSE TO GRAND JURY FINDINGS AND RECOMMENDATIONS

**RESPONSE TO THE GRAND JURY'S RECOMMENDATION REGARDING
A SOBERING THOUGHT**

FINDING 1: No finding was made.

CITY RESPONSE: Not applicable.

RECOMMENDATION 1: Other Santa Barbara County communities should establish similar sobering centers.

CITY RESPONSE: The recommendation will not be implemented because it is not warranted, nor reasonable. The Grand Jury's recommendation is based

upon inaccurate facts and figures, which led to a faulty recommendation. The report lacks comprehensive analysis and research, contains several factual errors, as well as errors of omission. The City makes this characterization based on the following.

The Grand Jury is wrong in making their statement that "the Santa Barbara Police Department saves the \$175 booking fee to the County. In 2004, the City saved \$245,000 in booking fees." First of all, the countywide booking fee charged by the County Sheriff's Department for 2004-05 (during the timeframe of the Grand Jury Report) was \$137.48 per booking, and not \$175. The "savings" identified by the Grand Jury of \$245,000 is presumed to be derived by multiplying the incorrect \$175 booking fee times 1,400 – the number of "people placed in the facility instead of being booked into the County Jail." ($\$175 \times 1,400 = \$245,000$). Assuming that all 1,400 people avoided being booked into County Jail because of this "alternative to jail" (which we believe to be an incorrect assumption) and applying the correct booking charge ($\$137.48 \times 1,400 = \$192,472$), the savings would be \$192,472, not \$245,000, a reduction in "savings" of \$52,528.

The Grand Jury goes on to point out that a not-for-profit organization called Threshold To Recovery, which operates the facility, has an operating budget of \$197,600 per year. The City of Santa Barbara paid \$174,000 to Threshold to Recovery in 2004-05, under contract. Comparing this cost to the correct booking fee avoidance amount shows a savings of \$18,472, not \$47,400.

The Grand Jury's Report also omits any discussion or analysis of revenue received by the City from Court-ordered booking fee payments made by those convicted of a crime resulting in their being booked into County Jail. The City of Santa Maria, on average, receives approximately 14 percent of the booking fee charge back from defendants as ordered by the Court. If that percentage were applied to the City of Santa Barbara, the City would receive approximately \$27,000 in additional revenue ($1,400 \times 137.48 \times 14$ percent equals \$26,948).

Finally, the Grand Jury Report also omits the fact that the City of Santa Barbara for 2004-05 is reimbursed by the State for booking fees (pursuant to AB 1662) in the approximate amount of \$217,000.

Given these facts, an argument could be made that the direct cost to the City of Santa Barbara is \$225,528 because the Sobering Center was in operation.

1,400 people not booked @ \$137.48	=	\$192,472 savings
Contract with Threshold To Recovery	=	\$174,000 cost
14% of booking fees reimbursed by Court order	=	\$ 27,000 omitted
\$217,000 of booking fees reimbursed by State per AB1662	=	<u>\$217,000 omitted</u>

Total "cost" to City for Sobering Center Operation = \$225,528 "cost" to City.
Not, a net "savings" of \$47,400.

It should be noted that these financial figures do not take into consideration efficiency "savings" the City of Santa Barbara benefits from by being able to drop off people at a downtown Sobering Center versus booking them into County Jail a distance away from the City.

In 1994-95, the City of Santa Maria approved an agreement with an organization to operate a sobering station within the City. The City financed the operation. The City had hoped that the "savings" in booking fees would offset the cost of operation. The City quickly determined that was not possible, and reduced the hours of operation of the station from 12 hours daily to 12 hours on weekends only (Friday – Sunday). Shortly thereafter, the City terminated the program because it "cost" the City instead of "saving" money.

There is no intent on the part of the City to consider re-establishing such a program. Consequently, the Grand Jury recommendation will not be implemented.

RESPONSE TO THE GRAND JURY'S FINDINGS AND RECOMMENDATIONS REGARDING ***AN OUNCE OF PREVENTION***

FINDING 1: Mission statements, when available, were often outdated and did not list customer satisfaction as a primary goal.

CITY RESPONSE: As it relates to the City of Santa Maria, the City disagrees wholly with the finding. The City of Santa Maria's Mission Statement is not outdated, is clearly posted in the department and on the City's web site, and the provision of high quality customer service to the public is clearly articulated in the City's Mission Statement.

RECOMMENDATION 1: Planning departments should have mission statements specific to their department. These mission statements should have customer satisfaction as a primary goal.

CITY RESPONSE: The recommendation has been implemented as the Department's Mission Statement clearly provides for the department to "process projects quickly and efficiently consistent with public interest and safety." Furthermore, providing exceptional customer service is an intricate goal of the City to the point that the City provides annual customer service training to all its employees on an ongoing basis.

FINDING 2: Planning departments did not have basic customer satisfaction procedures in place.

CITY RESPONSE: As it relates to the City of Santa Maria, the City disagrees wholly with the finding. The City has customer feedback forms available on its web site to solicit feedback on how well City services are being provided. Each completed form is thoroughly reviewed by the Assistant City Manager and with the affected City department. Furthermore, the City has developed a Customer Service Feedback Form to facilitate public comment.

RECOMMENDATION 2: To increase customer satisfaction, each planning department should publicly post the agency's mission statement, post timetables and mitigation factors, provide easy access to all relevant forms with adequate explanations as to their use, post a list of key personnel involved in completing an application, and clearly define the complaint process. In addition, handouts should be provided to each customer explaining the application and complaint process.

CITY RESPONSE: While some parts of the recommendation have already been implemented, other parts of the recommendation will not be implemented because they are not reasonable. The Community Development Department already publicly posts the City's Mission Statement, has already provided easy access to all relevant forms with explanations as to their use, and already posts a list of key personnel with their pictures identifying them to the public. The Community Development Department utilizes user-friendly brochures that clearly explain the application process and appeals procedures, and a project planner is assigned to each application and personally guides the applicant through the process. Consequently, the City sees no need to post timelines and mitigation factors as these postings may be problematic to the operations of the department and may be counter-productive as it relates to customer service.

FINDING 3: Notification of changes to land and property use in most jurisdictions was limited to mandated State *minimum* requirements to owners only, and within 300 feet from the borders of the property site.

CITY RESPONSE: The City agrees with the finding.

RECOMMENDATION 3: Notification of land use changes should include the owner *and occupants* within at least 500 feet of the border of the property site.

CITY RESPONSE: The recommendation will not be implemented because it is not reasonable. Notification of property owners within 300 feet of a site considered for a planning-related action, like a zoning amendment, is clearly articulated in State law. Notification beyond 300 feet and to those whom are not property owners raises serious, troubling questions such as how to obtain a reliable source of information for whom the occupants may be, consistency of notification, and the issue of fairness given that some occupants are likely to be notified while others are not. Either the State law (regarding notification) should be amended or municipalities should consider occupant notification for special circumstances only, at the discretion of the City.

FINDING 4: The complaint process in most jurisdictions was not designed for quantifiable analysis and could not be used to find strong and weak points in the planning process.

CITY RESPONSE: The City disagrees partially with the finding. While the City agrees that the complaint process is not designed for quantifiable analysis, the City disagrees with the finding that the process could not be used to find strong and weak points in the planning process. The complaint process should strive to attain good communication between the party complaining and the department staff. This is best accomplished through verbal or written (narrative) communication. Quantifying the data makes the communication more abstract and fosters potentially reckless conclusions.

RECOMMENDATION 4: Planning agencies should track all complaints and conduct random quantifiable surveys of 10% of the customers who have used their services. Agencies should use the results of these surveys to make the planning process more customer friendly. The results should also be added on a quarterly basis to the department web site for public viewing.

CITY RESPONSE: The recommendation will not be implemented because it is not reasonable. Any complaint that the City receives is thoroughly reviewed by either the respective Department Head or the Assistant City Manager with the goals of continuing to provide quality customer service to the public. The City also does not see the merits in posting such information on its web site.

RESPONSE TO THE GRAND JURY'S FINDINGS AND RECOMMENDATIONS REGARDING *TIMES ARE A CHANGIN'*

FINDING 1: The City has historically chosen to appoint persons to fill vacant Council seats rather than hold a special election.

CITY RESPONSE: The City agrees with the finding.

RECOMMENDATION 1: When Council seats are vacated, the City Council should ensure that elections are held to allow the citizens of Santa Maria the opportunity to directly choose their representatives on the Council.

CITY RESPONSE: The recommendation will not be implemented because it is not warranted, nor is it reasonable. The voters of the City of Santa Maria elect the City Council, and the City Council in turn represents the voters in all of the decisions they make, including appointments to vacant Council seats, and by the Grand Jury's own account, these appointments have all "followed logical and legal methods." The decision to automatically conduct special elections to fill vacated Council seats is not reasonable nor is it economically practical, as the cost for each special election could be upwards of \$162,000.

Each time the City Council was faced with a vacancy on the Council, they considered all options available to them to fill those vacancies, including conducting a special election and appointing someone. Consequently, the City Council has addressed each vacancy on a case-by-case basis and has thoroughly explored all available options to fill such vacancies. Thus, of the four vacancies in the past ten years, all have, in fact, been filled by appointment. However, it needs to be pointed out that in three of the four appointments, the third highest vote getter in the general municipal election conducted a month earlier was appointed to the vacancy. When Council seats have been vacated, the City has complied with and has followed Section 36512 of the California Government Code, and in doing so, have saved the taxpayers hundreds of thousands of dollars over the last ten years.

Furthermore, each City Council should have the autonomy and flexibility to decide all available options in which to fill a Council vacancy, rather than to just be limited to filling a vacancy by special election only. Also, it is not practical nor appropriate for a seated City Council to bind all future City Councils with an edict to fill all future City Council vacancies with a special election.

FINDING 2: The performance review process for "at will" employees is inadequate because it does not consistently result in a written report that is placed in the employee's personnel file.

CITY RESPONSE: The City disagrees partially with the finding. While there is documentation placed in each employees' file regarding performance reviews, the City agrees that the reports could be more frequent and expanded and will work in that regard.

RECOMMENDATION 2a: The City Council should establish a formal, annual written performance review process for the City Attorney and the City Manager. That process should create a written performance report to be kept in the employee's personnel file.

CITY RESPONSE: The recommendation has not yet been implemented, but will be implemented within the next 90 days.

RECOMMENDATION 2b: The City Council should direct the City Manager to establish a formal, annual written performance review process for each of the Department Heads. That process should create a written performance report to be kept in the employee's personnel file.

CITY RESPONSE: The recommendation has been implemented.

FINDING 3: The City Council is not exercising effective oversight of the City Manager.

CITY RESPONSE: The City disagrees wholly with the finding as the City Council has direct oversight of the City Manager and communicates with him on a daily basis regarding City operations and City-related issues.

RECOMMENDATION 3a: The City Council should ensure that each Council meeting agenda include a briefing, in public session, by the City Manager or his staff concerning the status of each department, its goals and objectives and how well those are being met. The Council would then be in a better position to ensure that its policies were being administered in accordance with its wishes. If necessary, Council meetings should be held more often in order to achieve that level of oversight.

CITY RESPONSE: The recommendation will not be implemented because it is not warranted, nor is it reasonable. Through periodic correspondence, voicemails, emails and individual meetings with Councilmembers, the City Manager continually apprises the City Council on citywide issues, programs, and activities. At each City Council meeting, the City Manager also updates the City Council and the public on upcoming items and issues needing to be brought to their attention. Providing the City Council with an update on departmental goals and objectives at each City Council meeting is not only unreasonable, but is not an effective use of time and resources. Council is briefed on departmental goals and objectives, and a recent survey of the 478 cities in the State of California indicated that only four such cities in the entire State provide such a briefing to their City Council at Council meetings – and of those four cities, three have a population of less than 10,000 residents. Furthermore, only four cities of similar size (between 80,000 to 100,000 residents) in the entire State meet more than twice a month – so the Grand Jury's recommendation that the City Council meet more often can not be substantiated by any facts other than their personal opinion.

RECOMMENDATION 3b: Prior to any action that could result in the termination of a department head, the City Council should require the City Manager to present an explanation for the proposed action to the Council.

CITY RESPONSE: The recommendation will be considered for implementation in the future. However, it should be noted that an effective City Manager keeps the City Council thoroughly informed on significant operational issues or personnel actions and does not work in a vacuum on such decision-making issues dealing with department heads.

RECOMMENDATION 3c: The City Council should ensure that personnel functions are removed from the City Manager's office and made a separate Human Resources Department with purview over all personnel issues including employee grievance hearings.

CITY RESPONSE: The recommendation will be considered for implementation in the future.

FINDING 4: Santa Maria leads Santa Barbara County in population growth and is projected to continue to grow at a rate of 2.2% per year through 2008 (UCSB Economic Forecast Team). Concern has been expressed by City officials and by the general public as to whether the current governmental structure can keep pace with that growth.

CITY RESPONSE: The City disagrees wholly with the finding. The current governmental structure has kept pace with the growth of the community. The total full-time personnel complement of the City in 2005-06 will be 427 employees. By comparison, ten years ago, in 1995-96, the total full-time personnel complement of the City was 318 employees – that's an increase of 33.6 percent. The City's population back in 1995-96 was 67,510 equating to an employee-to-population ratio of 4.71 employees per thousand residents. The population is now 88,793 resulting in an increase of 31.5 percent since 1995-96 and an employee-to-population ratio of 4.80 employees per thousand residents. Consequently, not only has the current government structure (full-time employee complement) kept pace with the growth of the community, but it has actually outpaced the growth.

RECOMMENDATION 4: The City Council should appoint a task force or commission an independent study to determine the feasibility of governmental realignment in light of the rapid growth and demographic changes of Santa Maria. That study should include but not be limited to: possible full-time status for the Mayor and City Council Members, expanding the City Council to seven or more members, and implementing term limits for the Mayor and City Council Members.

CITY RESPONSE: The recommendation will not be implemented because it is not warranted, nor is it reasonable. As indicated previously, the City has kept pace with the growth in the community and continuously reassesses its operation to meet the service demands and needs of the community.

To address the above issues, the Grand Jury suggested that a commission undertake a study to examine the above issues. Such a commission is not warranted as the City has already conducted an analysis by contacting cities of comparable size and operation within the State of California (cities with a population between 80,000 and 100,000) to determine if they had a full-time City Council, if Councilmembers were subject to term limits, and the number of Councilmembers each City has. Of the twenty-five comparable cities surveyed, no City had a full-time City Council, only seven cities employed some form of term limits on its Council, and only three cities had more than a five person City Council. Consequently, there is no overwhelming argument to warrant consideration of the aforementioned recommendations.

RESPONSE TO THE GRAND JURY'S FINDING AND RECOMMENDATION
REGARDING ***THE CHILD NOT YET LEFT BEHIND***

FINDING 5: Absenteeism and truancy remain a problem in Community Schools. The problem is worse in the North County Schools, where they have no truancy counselor.

CITY RESPONSE: We agree with the finding. However, one must remember that many Fitzgerald students come to the campus with a significant history of truancy.

RECOMMENDATION 5b: The Probation Department, local Police Departments, and the County Education Office should work together to provide effective anti-truancy enforcement measures.

CITY RESPONSE: The recommendation has been implemented. Currently, the Santa Maria Police Department is the only police agency that actually places an officer on the campus of a County Community School and the School Resource Officer assigned to Fitzgerald school devotes approximately forty percent of his day to the Fitzgerald campus. On occasions when truancy issues persist, a Truancy Mediation Team meeting is called, these meetings are attended by the School Resource Officer and a Probation Officer. Should truant behavior continue, a School Attendance Review Board is organized with the School Resource Officer in attendance.

RESPONSE TO THE GRAND JURY'S FINDINGS REGARDING ***DETENTION FACILITIES***

FINDING 1: The professionalism displayed in the day to day operations of all the facilities visited impressed the Jury.

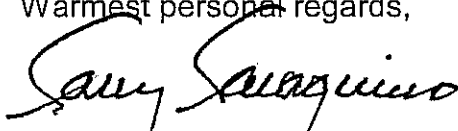
CITY RESPONSE: The City agrees with the finding.

FINDING 2: The level of service and commitment to effective law enforcement within the confines of their respective budgets was commendable.

CITY RESPONSE: The City agrees with the finding.

That concludes the City of Santa Maria's response to the five Grand Jury Reports and we welcome this opportunity to respond.

Warmest personal regards,


LARRY LAVAGNINO
Mayor